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OF THE

STATE OF ALABAMA

REGULAR SESSION

OF 1983

HELD IN THE CITY OF MONTGOMERY, ALABAMA

COMMENCING TUESDAY, APRIL 19, 1983

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WITH AN INDEX PREPARED BY THE

CLERK OF THE HOUSE

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LEAVE OF ABSENCE

At the request of Rep. Goodwin, leave of absence was granted for Rep. Ashley, for Tuesday, June 21 and Wednesday, June 22.

LEAVE OF ABSENCE

At the request of Rep. Johnson (Roy), leave of absence was granted for Rep. Mitchell.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the eighteenth legislative day and finds the same to be correct.

JOHN CASEY,
Chairman.

On motion of Rep. Casey, the rules were suspended and the reading at length of the Journal of the House for the eighteenth legislative day was dispensed with and the Standing Committee on Rules was concurred in and adopted, and the Journal for the eighteenth legislative day was approved.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 128. To authorize and make provision for the incorporation of the Alabama Shakespeare Festival Theatre Finance Authority; to provide for the directors of the authority; to provide for the powers, authorities and duties of the authority and its board of directors; to authorize the authority to acquire, enlarge, improve, expand, replace, own, operate, lease and dispose of properties to the end that the authority may be able to promote public interest in and aid in the development of The Alabama Shakespeare Festival, Inc., a not-for-profit corporation created under the laws of Alabama, and to provide certain facilities for use by said not-for-profit corporation; to authorize the authority to lease to others any or all of the property of the authority and to charge and collect rent therefor; to authorize the authority to receive and accept aid or contributions for furtherance of any of its purposes; to authorize the authority to procure various types of insurance and guarantees; to authorize the authority to borrow money for any of its corporate purposes; to provide for the issuance by the authority for any of its corporate purposes of interest-bearing revenue bonds and other interest-bearing securities payable solely out of the revenues and receipts derived from the leasing or sale of any properties of the authority; to provide that such securities shall, under certain circumstances, constitute negotiable instruments; to provide that such securities may be secured by a pledge of the revenues and receipts from which they are payable, by contracts binding the authority for the proper application of its revenues and of the proceeds of such securities, and by mortgages and deeds of trust and trust indentures on the property out of the revenues from which such securities are payable; to provide for the use of the proceeds of any securities issued by the authority; to provide for the refunding, by the issuance of such securities of the authority, of securities theretofore issued or obligations theretofore assumed by it; to provide for the employment by the authority of such officers, em-

ployees and agents as its business may require; to provide for the investment of funds of the authority; to authorize the authority to enter into contracts for the management of any of its properties; to authorize the sale or conveyance by the authority of any of its properties; to exempt the property and income of the authority and all securities issued by the authority and the income from such securities and conveyances, leases, mortgages and deeds of trust to which the authority is a party from all taxation in the state; to exempt the authority from all taxes, including license and excise taxes levied by any county, municipality or other political subdivision of the state, and to exempt the authority from payment of certain charges to judges of probate; to exempt the authority from all laws of the state governing usury or prescribing or limiting interest rates; to exempt the directors, officers and employees of the authority from the Alabama Ethics Law and the rules and promulgations by the Alabama Ethics Commission; to exempt the authority from competitive bid laws; and to provide for the dissolution of the authority and the disposition of its property.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 95. Relating to Marion County; to provide for expense allowances for the chairman and associate members of the county governing body to be paid from the county treasury; to provide that such expense allowances shall be paid in addition to any other allowance or compensation now provided by law; and to provide for retroactive effect.

Also:

H. 304. Relating to Fayette County; to provide that all members of the county commission shall serve on a full-time basis, effective upon the next term of office of any of said members; to regulate further the expense allowance of the members of the Fayette County Commission and giving retroactive effect to such expense allowances; and providing automatic termination of such expense allowances.

McDOWELL LEE,
Secretary.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 95. Relating to Marion County; to provide for expense allowances for the chairman and associate members of the county governing body to be paid from the county treasury; to provide that such expense allowances shall be paid in addition to any other allowance or compensation now provided by law; and to provide for retroactive effect.

Also:

H. 128. To authorize and make provision for the incorporation of the

Alabama Shakespeare Festival Theatre Finance Authority; to provide for the directors of the authority; to provide for the powers, authorities and duties of the authority and its board of directors; to authorize the authority to acquire, enlarge, improve, expand, replace, own, operate, lease and dispose of properties to the end that the authority may be able to promote public interest in and aid in the development of The Alabama Shakespeare Festival, Inc., a not-for-profit corporation created under the laws of Alabama, and to provide certain facilities for use by said not-for-profit corporation; to authorize the authority to lease to others any or all of the property of the authority and to charge and collect rent therefor; to authorize the authority to receive and accept aid or contributions for furtherance of any of its purposes; to authorize the authority to procure various types of insurance and guarantees; to authorize the authority to borrow money for any of its corporate purposes; to provide for the issuance by the authority for any of its corporate purposes of interest-bearing revenue bonds and other interest-bearing securities payable solely out of the revenues and receipts derived from the leasing or sale of any properties of the authority; to provide that such securities shall, under certain circumstances, constitute negotiable instruments; to provide that such securities may be secured by a pledge of the revenues and receipts from which they are payable, by contracts binding the authority for the proper application of its revenues and of the proceeds of such securities, and by mortgages and deeds of trust and trust indentures on the property out of the revenues from which such securities are payable; to provide for the use of the proceeds of any securities issued by the authority; to provide for the refunding, by the issuance of such securities of the authority, of securities theretofore issued or obligations theretofore assumed by it; to provide for the employment by the authority of such officers, employees and agents as its business may require; to provide for the investment of funds of the authority; to authorize the authority to enter into contracts for the management of any of its properties; to authorize the sale or conveyance by the authority of any of its properties; to exempt the property and income of the authority and all securities issued by the authority and the income from such securities and conveyances, leases, mortgages and deeds of trust to which the authority is a party from all taxation in the state; to exempt the authority from all taxes, including license and excise taxes levied by any county, municipality or other political subdivision of the state, and to exempt the authority from payment of certain charges to judges of probate; to exempt the authority from all laws of the state governing usury or prescribing or limiting interest rates; to exempt the directors, officers and employees of the authority from the Alabama Ethics Law and the rules and promulgations by the Alabama Ethics Commission; to exempt the authority from competitive bid laws; and to provide for the dissolution of the authority and the disposition of its property.

Also:

H. 304. Relating to Fayette County; to provide that all members of the county commission shall serve on a full-time basis, effective upon the next term of office of any of said members; to regulate further the expense allowance of the members of the Fayette County Commission and giving retroactive effect to such expense allowances; and providing automatic termination of such expense allowances.

And finds same correctly enrolled.

JOHN S. CASEY,

Chairman.

SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

RESOLUTIONS

The following resolutions were introduced:

By Rep. Johnson (Roy):

H. R. 294. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That when we adjourn today, Tuesday, June 21, 1983, we adjourn to meet again on Wednesday, June 22, 1983, at 3:00 p.m.

On motion of Rep. Johnson (Roy), the rules were suspended and the resolution, H. R. 294, was adopted.

Also:

By Rules Committee:

H. R. 295. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That the following business in the order named be made the special, paramount and continuing order of business beginning June 21, 1983, taking precedence over any other business of the House.

By Mr. Coburn:

H. 245 p.147 Education budget

By Mr. Coburn:

H. 237 p.148 Walker County Junior College, appropriation

By Mr. Reed:

H. 238 p.148. Tuskegee Institute, appropriation

By Mr. Coburn:

H. 239 p.148 Talladega College, appropriation

By Mr. Bryant:

H. 240 p.149 Marion Military Institute, appropriation

By Mr. Coburn:

H. 241 p.149 Lyman Ward Military Institute, appropriation

Report of Standing Committees

Introduction of Bills and Resolutions

Uncontested Local Bills

And the Following Bills:

By Mr. Coburn:

H. 752 p.138 Legislature, salaries/expenses

By Mr. Coburn:

H. 762 p.138 Refund debt service

By Mr. Boles:
H. 342 p. 49 Prosecution services
By Mr. Warren:
H. 561 p. 69 Property inventory
By Mr. Warren:
H. 562 p. 69 Property inventory
By Mr. Hettinger:
H. 671 p.113 Space & Rocket Center
By Mr. Holley:
H. 708 p.150 Coin operated machines
By Mr. Biddle:
H. 110 p. 33 Real Estate Commission
By Mr. Dutton:
H. 596 p. 70 Egg and chicken bill
By Mr. Drinkard:
H. 373 p.117 Homestead provisions
By Mr. Coleman:
H. 450 p. 81 Time sharing facilities
By Mr. Smith:
H. 387 p.102 Notification bill, pardons and paroles
By Mr. Turnham:
H. 354 p. 49 Supernumerary, tax assessors/collectors
By Mr. Crow:
H. 301 p. 42 Fishing licenses, 65 years old, older
By Mr. Campbell:
H. 313 p. 54 Sale of abandoned motor vehicles
By Mr. Stout:
H. 94 p.108 Veteran funerals
By Mr. Grouby:
H. 305 p.101 Forestry bill
By Mr. White (L):
H. 174 p. 16 Water works sewer board
By Mr. Turnham:
H. 233 p. 52 Certificate title bill
By Mr. Adams:
H. 227 p. 46 Prison reimbursement

By Mr. Langford:

H. 540 p. 51 Surveyors

By Mr. Owens:

H. 215 p. 3 State personnel board

By Mr. Langford:

H. 649 p.111 ASU, trustees

By Mr. Albright:

H. 126 p. 14 Commission of Labor/lay-offs, workers etc.

By Mr. Martin:

H. 230 p.104 Good Samaritan Law, hazardous materials

By Mr. Martin:

H. 231 p. 10 Special permits, oversized loads

By Mr. Coleman:

H. 612 p. 67 Housing Authority

By Mr. Wilson:

H. 461 p. 87 State employees retirement

By Mr. Ford:

H. 496 p. 84 Small loans

By Mr. Bennett:

H. 165 p. 22 Credit unions

By Mr. Mitchell:

H. 494 p. 58 Funeral Homes

By Mr. Turner:

H. 675 p.114 Co-generation

By Mr. Buskey:

H. 152 p.118 Adult adoptions

By Mr. Melton:

H. 537 p.127 Continuing education, hearing aids

By Mr. Smith:

H. 575 p.133 Corporate officers, Workmens comp

By Mr. Layton:

H. 574 p. 68 Senior Citizens Hall of Fame

By Mr. White (L):

H. 681 p.139 Third Party Prescriptions

By Mr. Turner:

H. 758 p.142 Bond issue, sewers

By Mr. Langford:

H. 402 p. 27 Political rights, employees

By Mrs. Zoghby:

H. 693 p.126 Capitol renovation

By Mr. Hettinger:

H. 27 p.121 Teachers

On motion of Rep. Casey the resolution, H. R. 295, was adopted.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 254. RELATIVE TO LEGISLATIVE MEETING DATES TUESDAY, JUNE 14, 1983 AND THURSDAY, JUNE 16, 1983.

Also:

H. J. R. 283. INVITING UNITED STATES SENATOR ALAN CRANSTON OF CALIFORNIA TO ADDRESS A JOINT SESSION OF THE ALABAMA LEGISLATURE.

Also:

H. J. R. 286. RELATIVE TO LEGISLATIVE MEETING DATES FROM THURSDAY, JUNE 16, 1983 THROUGH MONDAY, AUGUST 1, 1983.

And finds same correctly enrolled.

JOHN S. CASEY,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

SPECIAL ORDER

The House then proceeded with the consideration of the bills on the Special Order Calendar.

And the bill:

H. 245. (With Substitute) (With Amendments): To make annual appropriations for the support, maintenance and development of public education in Alabama and for debt service and capital improvements for the fiscal year ending September 30, 1984.

Was taken up.

SUBSTITUTE OFFERED

Rep. Coburn offered the following substitute to the bill, H. 245 to the

pending substitute and amendments reported by the Standing Committee on Ways and Means:

A BILL
TO BE ENTITLED
AN ACT

To make annual appropriations for the support, maintenance and development of public education in Alabama and for debt service and capital improvements for the fiscal year ending September 30, 1984.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated, for the support of public education in Alabama for the fiscal year ending September 30, 1984 and for the public debt, to be paid out of funds specified in subsection (a) of Section 2 of this Act, the amounts specified in Sections 3 to 4, inclusive. For the purpose specified in subsection (b) of Section 2 of this Act, amounts are shown by programmatic area and the total for all programs is shown so as to include estimated sources of funds other than the appropriation made in subsection (a) of Section 2 of this Act. For the purpose of this Act, "ASETF" shall mean Alabama Special Educational Trust Fund.

Section 2. (a) The appropriations provided for in this Act shall be paid from funds in the State Treasury to the credit of the Alabama Special Educational Trust Fund and Alabama Special Educational Trust Fund Surplus, Special Mental Health Trust Fund, Alabama Board of Nursing Trust Fund, Alabama Peace Officers Standards and Training Fund, and Public School Fund and are hereby made for the support of public education in Alabama for the fiscal year ending September 30, 1984 and except as may be otherwise expressly provided, the appropriations herein made shall be subject to the provisions, terms, conditions and limitations of the Budget and Financial Control Act (Title 41, Chapter 4, Article 4, 1975 Code of Alabama as amended), the provisions of The Budget Management Act of 1976 (Title 41, Chapter 19, Sections 1 through 12, 1975 Code of Alabama as amended), and shall be in the amounts hereinafter specified.

(b) Amounts shown herein under the columns "Trust Funds" and "Appropriation Total" are set forth for the purpose of indicating amounts estimated to be available by programmatic area from sources other than from appropriations made in subsection (a) of this Section 2, in order, upon consideration of such other funds so estimated to be available, to promote the accountability for an efficient use of the funds available to and hereby appropriated by the Legislature, it being the intention hereof to make appropriations only from the funds referred to in subsection (a) of this Section 2. Provided, however, that regardless of the ending date of any pay period which has been or may be established by the Legislature for the payment of salaries of state employees, the entire payment due shall be made from the fiscal year's appropriation in which the pay date falls.

Section 3:

A. STATE AGENCIES

1. ACADEMY OF HONOR, ALABAMA:

(a) Historical Resources Management Program 950

SOURCE OF FUNDS:

(1) ASETF - Transfer	950		
Total Alabama Academy of Honor	950		950
2. ARTS AND HUMANITIES, COUNCIL ON THE:			
(a) Fine Arts Program			1,040,822
(b) Outdoor Drama			10,000
The appropriation to the Council on the Arts and Humanities shall include a transfer to the State Personnel Department of $627.			
SOURCE OF FUNDS:			
(1) ASETF - Transfer	600,000		
(2) Federal and Local Funds		450,822	
Total Council on the Arts and Humanities	600,000	450,822	1,050,822
3. DEBT SERVICE			649,708
(a) Interest on Endowments:			
For interest on University of Montevallo (Alabama College) Endowment, Estimated	34,964		
For interest on Auburn University Endowment	20,280		
For interest on University of Alabama Endowment	61,000		
For interest on Grove Hill Endowment	600		
For interest on Public School Fund Endowment:			
Interest on 16th Section Lands, Estimated	410,000		
Interest on School Indemnity Lands, Estimated	90,000		
Interest on Valueless 16th Section Lands	5,825		
Interest on Surplus Revenue	26,764		
Interest on James Wallace Fund	275		
Total Interest on Public School Fund Endowment	532,864		
SOURCE OF FUNDS:			
(1) ASETF	649,708		
Total Debt Service	649,708		649,708
4. DENTAL SCHOLARSHIP AWARDS, BOARD OF:			
(a) Support of Other Educational			

Activities Programs			191,000
SOURCE OF FUNDS:			
(1) ASETF	191,000		
Total Board of Dental Scholarship Awards	191,000		191,000
(To be expended under the provisions of Title 16, Chapter 47, Sections 76 through 81, 1975 Code of Alabama as amended.)			
5. EDUCATION, DEPARTMENT OF:			
(a) Administrative Services Program			11,403,902
The proposed spending plan for the above is as follows:			
Compact for Education 32,000			
Operations and Maintenance of Department 1,844,822			
Telephone Network Fund 1,700,000			
SOURCE OF FUNDS:			
(1) ASETF	3,576,822		
(2) Federal and Local Funds		7,827,080	
Total Administrative Services Program	3,576,822	7,827,080	11,403,902
The above appropriation shall include a transfer to the State Personnel Department of $80,255.			
(b) Adult Education Program			3,521,512
The proposed spending plan for the above is as follows:			
Adult Basic Education . 1,550,000			
Community Education ... 200,000			
SOURCE OF FUNDS:			
(1) ASETF	1,750,000		
(2) Federal and Local Funds		1,771,512	
Total Adult Education Program	1,750,000	1,771,512	3,521,512
(c) Direct Client Services for the Handicapped			39,182,018
To be distributed by the Department of Education as follows:			
Crippled Children Services Program 4,631,867			
Handicapped Recreation Program 186,000			
(To provide recreation and services			

at a year-round accredited handicapped recreation facility.)			
Hemophilia Program 279,000			
Homebound Program .. 2,000,000			
Rehabilitation Services Program 6,166,675			
SOURCE OF FUNDS:			
(1) ASETF	13,263,542		
(2) Federal and Local Funds		25,918,476	
Total Direct Client Services for the Handicapped	13,263,542	25,918,476	39,182,018
(d) Emergency Medical Services Education Program			1,500,000
To be distributed by the Department of Education as follows:			
(1) Birmingham Regional Emergency Medical System .. 250,000			
(2) East Alabama Emergency Medical Services, Inc. 250,000			
(3) North Alabama Emergency Medical Services, Inc. .. 250,000			
(4) Southeast Alabama Emergency Medical Services System, Inc. 250,000			
(5) Southwest Alabama Emergency Medical Services Council, Inc. 250,000			
(6) West Alabama Emergency Medical Services, Inc. .. 250,000			
The amounts herein appropriated shall be used for the operation and maintenance of the various medical services programs named and for the purchase of instructional supplies and new instructional equipment for such programs.			
SOURCE OF FUNDS:			
(1) ASETF	1,500,000		
Total Emergency Medical Services Education Program	1,500,000		1,500,000
(e) Financial Assistance Program .			183,573,995
The proposed spending plan for the above is as follows:			
Basic Skills Program 165,464			
Elementary Teachers Scholarships 25,000			
(To be paid in accordance with Ti-			

tle 16, Chapter 23, Section 17, 1975 Code of Alabama as amended)			
Emergency Secondary Teachers Scholarships 50,000			
(To be paid in accordance with Title 16, Chapter 23, Sections 18 through 23, 1975 Code of Alabama as amended.)			
SOURCE OF FUNDS:			
(1) ASETF	240,464		
(2) Federal and Local Funds		183,333,531	
Total Financial Assistance Program	240,464	183,333,531	183,573,995
(f) Instructional Technical Assistance Program			7,363,513
The proposed spending plan for the above is as follows:			
Career Education 98,000			
Instructional Technical Assistance 523,441			
Special Education Administration 450,000			
Vocational Education Administration 651,000			
SOURCE OF FUNDS:			
(1) ASETF	1,722,441		
(2) Federal and Local Funds		5,641,072	
Total Instructional Technical Assistance Program	1,722,441	5,641,072	7,363,513
(g) Local Agency Support Program			10,253,028
The proposed spending plan for the above is as follows:			
Driver Education, School Bus Driver Training and Vehicle Safety Inspection 205,000			
Free Textbooks 7,887,700			
School Facilities and Architectural Services 71,000			
Testing 500,000			
SOURCE OF FUNDS:			
(1) ASETF	8,663,700		
(2) Federal and Local Funds		1,589,328	
Total Local Agency Support Program	8,663,700	1,589,328	10,253,028
(h) Regulation Program			1,159,557
The proposed spending plan for			

the above is as follows:			
Teacher Certification and Accreditation 257,105			
SOURCE OF FUNDS:			
(1) ASETF	257,105		
(2) Federal and Local Funds		902,452	
Total Regulation Program	257,105	902,452	1,159,557
(i) Support of Other Educational Activities Program			9,300
The proposed spending plan for the above is as follows:			
Education of Dependents of Blind Parents 9,300			
SOURCE OF FUNDS:			
(1) ASETF	9,300		
Total Support of Other Educational Activities Program	9,300		9,300
For reimbursement of every State Institution of Higher Learning, College, University, or Vocational-Technical School or Junior College in which benefits are given to dependents of blind parents under the provisions of Title 16, Chapter 33, Section 4, 1975 Code of Alabama as amended.			
(j) Support of State Universities Program			50,000
SOURCE OF FUNDS:			
(1) Federal and Local Funds		50,000	
Total Support of State Universities Program		50,000	50,000
(k) Projects-Vocation Rehabilitation/Crippled Children Services Program			484,000
SOURCE OF FUNDS:			
(1) Federal and Local Funds		484,000	
Total Projects-Vocation Rehabilitation/Crippled Children Services Program		484,000	484,000
(1) Disability Determination for Social Security Program			17,540,041
SOURCE OF FUNDS:			
(1) Federal and Local Funds		17,540,041	
Total Disability Determination for Social Security Program		17,540,041	17,540,041

TOTAL DEPARTMENT OF EDUCATION:			
SOURCE OF FUNDS:			
(1) ASETF	30,983,374		
(2) Federal and Local Funds		245,057,492	
GRAND TOTAL DEPARTMENT OF EDUCATION	30,983,374	245,057,492	276,040,866
6. EXAMINERS OF PUBLIC ACCOUNTS:			
(a) Legislative Support-Audit Services Program			1,100,000
For purposes of auditing all phases of public education.			
SOURCE OF FUNDS:			
(1) ASETF - Transfer	1,100,000		
Total Examiners of Public Accounts	1,100,000		1,100,000
7. FINE ARTS, ALABAMA SCHOOL OF:			
(a) Fine Arts Program			1,016,254
SOURCE OF FUNDS:			
(1) ASETF	815,670		
(2) Federal and Local Funds		200,584	
Total Alabama School of Fine Arts	815,670	200,584	1,016,254
8. FIREFIGHTERS' PERSONNEL STANDARDS AND EDUCATION COMMISSION, ALABAMA:			
(a) Professional and Occupational Licensing and Regulation Program			105,946
The appropriation to the Alabama Firefighter's Personnel Standards and Education Commission shall include a transfer to the State Personnel Department of $188.			
SOURCE OF FUNDS:			
(1) ASETF - Transfer	105,946		
Total Alabama Firefighters' Personnel Standards and Education Commission	105,946		105,946
9. HEALTH, DEPARTMENT OF PUBLIC:			
(a) Health Support Services Program for Public School Food Sanitation			195,794
(b) Personal Health Improvement Program.			

(1) Perinatal Activities			791,706
Provided, however, that the above appropriation shall be expended only for the continuation of a perinatal program whose expenditure guidelines shall be developed in conjunction with the Perinatal Advisory Committee of the State Committee on Public Health. Such guidelines shall be comprehensive enough to serve as a statewide perinatal plan in meeting federal matching requirements.			
(2) Immunization Activities			200,000
For immunization of preschool children and students.			
SOURCE OF FUNDS:			
(1) ASETF - Transfer	1,187,500		
Total Department of Public Health	1,187,500		1,187,500
10. HIGHER EDUCATION, ALABAMA COMMISSION ON:			
(a) Planning & Coordination Services Program			1,069,100
(b) Support of Other Educational Activities Program			5,091,703
(Of the above program $3,000,000 of the ASETF funds shall be expended for the Alabama Student Grant Program in accordance with Title 16, Chapter 33A, Sections 1 through 11, 1975 Code of Alabama as amended.)			
SOURCE OF FUNDS:			
(1) ASETF	4,069,100		
(2) Federal and Local Funds		2,091,703	
Total Alabama Commission on Higher Education	4,069,100	2,091,703	6,160,803
11. INDUSTRIAL DEVELOPMENT TRAINING INSTITUTE, ALABAMA:			
(a) Industrial Training Program			1,503,000
SOURCE OF FUNDS:			
(1) ASETF	1,450,000		
(2) Federal and Local Funds		53,000	
Total Alabama Industrial Development Training Institute	1,450,000	53,000	1,503,000
12. EMPLOYEES' INSURANCE,			

STATE			1,140,000
SOURCE OF FUNDS:			
(1) ASETF	1,140,000		
Total State Employees' Insurance	1,140,000		1,140,000
13. STATE BOARD OF EDUCATION - JUNIOR COLLEGE SCHOOL SYSTEM:			
(a) Postsecondary Two Year Institutions Program			74,634,018
SOURCE OF FUNDS:			
(1) ASETF	45,084,825		
(2) Federal and Local Funds		6,963,956	
(3) State Funds		250,174	
(4) Other Funds		16,637,397	
(5) Auxiliary Enterprises		5,697,666	
Total Junior College School System	45,084,825	29,549,193	74,634,018
This appropriation to the Alabama State Board of Education for the Junior College Equalization Account is to be used for operation and maintenance of the Junior Colleges listed herein and is to be distributed on the following formula:			
(A) $200,000 to each Junior College.			

(B) The remainder of the appropriation is to be allotted to each Junior College in accordance with its percentage of the total credit hours attempted for the four quarters of the school year 1983-83 by all the Junior Colleges listed in this appropriation. Junior Colleges with credit producing programs in Alabama Correctional Institutions shall be reimbursed for tuition that is waived. Continuing education unit hours shall be excluded from the computations herein required. (The above appropriation is to be distributed to the following Junior Colleges:

(1) Alexander City State Junior College; (2) S.D. Bishop State Junior College; (3) Brewer State Junior College; (4) John C. Calhoun State Community College; (5) Chattahoochee Valley Community College (Phenix City); (6) Jefferson Davis State Junior College; (7) Enterprise State Junior College; (8) James H. Faulkner State Junior College; (9) Gadsden State Junior College; (10) Patrick Henry State Junior College; (11) Jefferson State Junior College; (12) Theodore A. Lawson State Community College; (13) Northeast Alabama State Junior College; (14) Northwest Alabama State Junior College; (15) Snead State Junior College; (16) Southern Union State Junior College; (17) George C. Wallace State Community College (Selma); (18) George C. Wallace State Community College (Dothan); (19) Lurleen B. Wallace State Junior College; (20) George C. Wallace Community College at Hanceville; (21) Shelton State Community College). Of the above appropriations contained herein in Section 3-A-13 not more than the sum of $308,569 may be used by the State Board of Education-Postsecondary Edu-

cation Department for administration of the Junior College School System.

14. LAW INSTITUTE, ALABAMA:			
(a) Support of Other Educational Activities Program			251,068
SOURCE OF FUNDS:			
(1) ASETF	251,068		
Total Alabama Law Institute	251,068		251,068
15. LEGISLATURE:			
(a) House Operations & Support Program			940,500
(b) Senate Operations & Support Program			627,000
(c) Legislative Data Processing Program			200,000
SOURCE OF FUNDS:			
(1) ASETF-Transfer	1,767,500		
Total Legislature	1,767,500		1,767,500
16. LIBRARY SERVICE, PUBLIC:			
(a) Public Library Service Program			4,727,983
The appropriation to the Public Library Service shall include a transfer to the State Personnel Department of $3,765.			
SOURCE OF FUNDS:			
(1) ASETF	3,494,490		
(2) Federal and Local Funds		1,233,493	
Total Public Library Service	3,494,490	1,233,493	4,727,983
17. MARINE ENVIRONMENTAL SCIENCES CONSORTIUM:			
(a) Support of Other Educational Activities Program			800,000
SOURCE OF FUNDS:			
(1) ASETF	600,000		
(2) Federal and Local Funds		200,000	
Total Marine Environmental Sciences Consortium	600,000	200,000	800,000
18. MEDICAL SCHOLARSHIPS AWARDS, BOARD OF:			
(a) Support of Other Educational Activities Program			704,000
SOURCE OF FUNDS:			
(1) ASETF	704,000		

Total Board of Medical Scholarships Awards	704,000		704,000
(To be expended under the provisions of Title 16, Chapter 47, Sections 121 through 129, 1975 Code of Alabama as amended.)			
19. MINIMUM PROGRAM AND PUBLIC SCHOOL FUND:			
(a) Financial Assistance Program			519,589,766
SOURCE OF FUNDS:			
(1) ASETF	474,913,281		
(2) Public School Fund		40,000,000	
(3) Local Funds		4,676,485	
Total Minimum Program and Public School Fund	474,913,281	44,676,485	519,589,766
The above appropriation shall be paid in accordance with Title 16, Chapter 13, Sections 50 through 59, 1975 Code of Alabama as amended, and all other legislation pertaining thereto.			

The appropriation hereinabove set out for the fiscal year 1983-84 is based on 22,972 teacher units.

It is provided in the event there are more than 22,972 earned teacher units for the fiscal year 1983-84, then such amounts necessary to pay for these excess teacher units are hereby appropriated. It is further provided that in the event that there be less earned teacher units than those set out above then the amount that would have been necessary to pay for these earned teacher units shall not be allotted or paid.

In allocating the funds in sub-section (a) the State Board of Education shall allot as follows:

For "Board of Adjustment" awards in accordance with the Minimum Program statutes and regulations an amount not to exceed $150,000.

For "Salaries" the amount shall not exceed a total of $392,341,017. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided however, the total amount allotted for salaries shall remain the same.

Rank	Salary Allotment	Number of Teacher Units	Total
AA	$18,892	2,623.11	$ 49,555,794
I	17,689	12,846.14	227,235,370
II	15,401	7,502.75	115,549,853
III	12,967	0	0
IV	11,261	0	0
		22,972.00	$392,341,017

For "Other Current Expense" an amount not to exceed $3,185.32 for each earned teacher unit but the total shall not exceed the sum of $73,173,171. This amount includes level funding for all lunchroom worker

salaries with the intent that all lunchrooms be fully funded by local school boards.

For "Capital Improvements" an amount not to exceed $64.87 for each earned teacher unit but the total shall not exceed the sum of $1,490,194.

For "Principal Supplement" an amount not to exceed the total of $2,297,200.

The above appropriation contained in sub-section (a) shall include an allotment for transportation in accordance with the formula adopted by the State Board of Education for the distribution of the funds to be used for transportation purposes but shall not exceed the sum of $50,138,184.

20. STATE BOARD OF EDUCATION-LOCAL BOARDS:		
(a) Financial Assistance Program		280,101,317
SOURCE OF FUNDS:		
(1) ASETF	280,101,317	
Total State Board of Education-Local Boards	280,101,317	280,101,317
To be distributed by the State Board of Education for:		
(a) Hospital Medical or Dental Insurance Assistance for Professional Staff, Support Staff, and Adult School Bus Drivers	21,444,990	
Of the appropriation hereinabove made for Hospital Medical or Dental Insurance there is hereby appropriated the sum of three hundred fifty seven dollars ($357.00) per annum per teacher, administrative supervisory unit, full-time support employee, and adult school bus driver, provided that no more than $357.00 shall be appropriated per person.		
(b) Teachers' Sick Leave	3,871,038	
Of the appropriation hereinabove made for Teachers' Sick Leave, the rate of not more than $17 per day is hereby appropriated.		
(c) Support Personnel Sick Leave	1,901,853	
Of the appropriation hereinabove made for support personnel sick leave in accordance with Title 16, Chapter 1, Section 18, 1975 Code of Alabama as amended, the rate of not more than $17 per day is hereby appropriated.		

(d) Teachers' Personal Leave 957,707

The appropriation hereinabove made for Teachers' Personal Leave provides for two (2) days personal leave at $17 per teacher unit for each teacher employed (except ESEA Title I, Title IV and Title VI teachers and ESAA teachers).

(e) Funds to Replace Fees 9,457,230

Of the appropriation hereinabove made for Funds to Replace Fees there is hereby appropriated two hundred fifty dollars ($250) per teacher unit for grades K-12 for all teachers employed (except ESEA, Title I, Title IV, and Title VI teachers and ESAA teachers).

(f) Maintenance 5,630,287

(g) Continuation of funds previously granted for Special Education 22,209,551

(h) Special Schools for Special Education 1,773,000

To be distributed by the State Board of Education as follows:

$350,000 shall be allocated to the Tuscaloosa Regional Handicapped School; $350,000 shall be allocated to the Southwest Alabama School for Deaf and Blind; $250,000 for the Vivian B. Adams School; $25,000 shall be allocated to the Butler County Training School for the Mentally Retarded in Greenville, Alabama; $25,000 shall be allocated to the Hope Haven School in Colbert County; $25,000 shall be allocated to the Jasper Shriner School; $25,000 shall be allocated to the Montgomery Institute of Neurological Development in Montgomery, Alabama; $35,000 shall be allocated to the Birmingham Training Center for Brain-Injured Children in Birmingham, Alabama; $25,000 shall be allocated to Project Independence in Coffee County, Alabama; $50,000 shall be allocated to the Houston County Board of Education for the Vaughn-Blumberg Center for the Developmentally Disabled; $18,000 to Auburn University Preschool for Multi-handicapped children; $75,000 to the Alice Pigman School; $75,000 to the Montgomery County Board of Education for the purpose of establishing a pilot program for deaf students in Public Schools; $250,000 shall be allocated to the McInnis School in Montgomery, Alabama; $50,000 shall be allocated to the Special Education School in Vinemont in Cullman County; $145,000 to the Alabama Institute for Deaf and Blind to implement the purposes of Title 16, Chapter 39, Section 3, 1975 Code of Alabama as amended, and P.L. 94-142.

(i) Kindergarten teacher units 29,600,990

The above appropriation is for 1,500 teacher units and includes

salaries, other current expense, and capital improvements at the following rates:

For "Salaries" the sum shall not exceed a total of $24,725,705. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided however, the total amount allotted for salaries shall remain the same.

Rank	Salary Allotment	Number of Teacher Units	Total
AA	$18,892	58.35	$ 1,102,348
I	17,689	620.85	10,982,216
II	15,401	820.80	12,641,141
		1,500.00	$24,725,705

For "Other Current Expense" an amount not to exceed $3,185.32 for each earned teacher unit but the total shall not exceed the sum of $4,777,980. This amount includes level funding for all lunchroom worker salaries with the intent that all lunchrooms be fully funded by local school boards.

For "Capital Improvements" an amount not to exceed $64.87 for each earned teacher unit but the total shall not exceed the sum of $97,305.

(j) Continuation of Teacher Units to reduce pupil-teacher ratio in grades 1-6..... 13,211,272

The above appropriation is for 650 teacher units and includes salaries, other current expense, and capital improvements at the following rates:

For "Salaries" the sum shall not exceed $11,098,649. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided however, the total amount allotted for salaries shall remain the same.

Rank	Salary Allotment	Number of Teacher Units	Total
AA	$18,892	74.03	$ 1,398,575
I	17,689	362.57	6,413,501
II	15,401	213.40	3,286,573
		650.00	$11,098,649

For "Other Current Expense" an amount not to exceed $3,185.32 for each earned teacher unit but the total shall not exceed the sum of $2,070,458. This amount includes level funding for all lunchroom worker salaries with the intent that all lunchrooms be fully funded by local school boards.

For "Capital Improvements" an amount not to exceed $64.87 for each earned teacher unit but the total shall not exceed the sum of $42,165.

(k) Supportive Teacher Units.....
..... 34,093,756

The above appropriation provides

for one extra unit or fraction thereof for each aggregate of fifteen units or fraction thereof earned on regular units in the Minimum Program, Kindergarten Teacher Units in (i), and Continuation Teacher Units in (j). The above appropriation is for 1,674 teacher units and includes salaries, other current expense, and capital improvements at the following rates:

For "Salaries" the sum shall not exceed $28,652,938. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided however, the total amount allotted for salaries shall remain the same.

Rank	Salary Allotment	Number of Teacher Units	Total
AA	$18,892	208.37	$ 3,936,526
I	17,689	937.17	16,577,600
II	15,401	528.46	8,138,812
		1,674.00	$28,652,938

For "Other Current Expense" an amount not to exceed $3,185.32 for each earned teacher unit but the total shall not exceed the sum of $5,332,226. This amount includes level funding for all lunchroom worker salaries with the intent that all lunchrooms be fully funded by local school boards.

For "Capital Improvements" an amount not to exceed $64.87 for each earned teacher unit but the total shall not exceed the sum of $108,592.

(1) Special Education Teacher Units 66,856,182

The above appropriation is for 3,250 teacher units and includes salaries, other current expense, capital improvements and transportation at the following rates:

For "Salaries" the sum shall not exceed $55,493,064. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided however, the total amount allotted for salaries shall remain the same.

Rank	Salary Allotment	Number of Teacher Units	Total
AA	$18,892	370.00	$ 6,990,040
I	17,689	1,813.00	32,070,157
II	15,401	1,067.00	16,432,867
		3,250.00	$55,493,064

For "Other Current Expense" an amount not to exceed $3,185.32 for each earned teacher unit but the total shall not exceed the sum of $10,352,290. This amount includes level funding for all lunchroom worker salaries with the intent that all lunchrooms be fully funded by local school boards.

For "Capital Improvements" an amount not to exceed $64.87 for each earned teacher unit but the total shall not exceed the sum of $210,828.

For "Transportation" the total shall not exceed $800,000.

(m) Driver Education Teacher Units 6,585,314

The above appropriation is for 324 driver education units or other teacher units as approved by the local Board of Education and includes salaries, other current expense, and capital improvements at the following rates:

For "Salaries" the sum shall not exceed $5,532,252. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided however, the total amount allotted for salaries shall remain the same.

Rank	Salary Allotment	Number of Teacher Units	Total
AA	$18,892	36.90	$ 697,115
I	17,689	180.73	3,196,933
II	15,401	106.37	1,638,204
		324.00	$5,532,252

For "Other Current Expense" an amount not to exceed $3,185.32 for each earned teacher unit but the total shall not exceed the sum of $1,032,044. This amount includes level funding for all lunchroom worker salaries with the intent that all lunchrooms be fully funded by local school boards.

For "Capital Improvements" an amount not to exceed $64.87 for each earned teacher unit but the total shall not exceed the sum of $21,018.

(n) Vocational Education 62,508,147

The appropriation hereinabove for Vocational Education shall be disbursed or obligated in accordance with rules and regulations approved by the State Board of Education upon the recommendation of the State Superintendent. Of the $62,508,147, $1,200,000 shall be allocated for handicapped students in Vocational Education. Of the above appropriation for Vocational Education, one unit shall be allocated to the Vinemont High School in Cullman County.

21. NURSING, ALABAMA BOARD OF:

(a) Professional and Occupational Licensing and Regulation Program 687,500

The appropriation to the Alabama Board of Nursing shall include a transfer to the State Personnel Department of $816.

SOURCE OF FUNDS:

(1) ASETF-Transfer-as provided

In title 34, Chapter 21, Sections 60 through 63, 1975 Code of Alabama as amended	57,000		
(2) Alabama Board of Nursing Trust Fund - as provided in Title 34, Chapter 21, 1975 Code of Alabama as amended		630,500	
Total Alabama Board of Nursing	57,000	630,500	687,500
22. PEACE OFFICERS' STANDARDS AND TRAINING COMMISSION, ALABAMA:			
(a) Professional and Occupational Licensing and Regulation Program			116,998
(b) Certified Law Enforcement Academy Program			450,000
The appropriation to the Alabama Peace Officers' Standards and Training Commission shall include a transfer to the State Personnel Department of $188.			
SOURCE OF FUNDS:			
(1) ASETF	116,998		
(2) Alabama Peace Officers' Standards and Training Fund-as provided in Title 36, Chapter 21, 1975 Code of Alabama as amended		450,000	
Total Alabama Peace Officers' Standards and Training Commission	116,998	450,000	566,998
23. PHYSICAL FITNESS, COMMISSION ON:			
(a) Advisory Services Program			155,000
The appropriation to the Commission on Physical Fitness shall include a transfer to the State Personnel Department of $251.			
SOURCE OF FUNDS:			
(1) ASETF	155,000		
Total Commission on Physical Fitness	155,000		155,000
24. STATE BOARD OF EDUCATION-POSTSECONDARY VOCATIONAL-TECHNICAL EDUCATION SYSTEM:			
(a) Postsecondary Two Year Institutions Program			57,412,479
SOURCE OF FUNDS:			
(1) ASETF	37,755,071		

(2) Federal and Local Funds		2,124,780	
(3) State Funds		649,526	
(4) Other Funds		12,413,558	
(5) Auxiliary Enterprises		4,469,544	
Total Postsecondary Vocational-Technical Education System	37,755,071	19,657,408	57,412,479

(A) For the operations and maintenance of the Vocational-Technical Schools listed herein, to be distributed in accordance with a formula adopted by the State Board of Education. The formula for a given program may not differ between schools. The application of the formula shall be standard for all schools. Technical schools with programs generating contact hours at Alabama Correctional Institutions shall be reimbursed for tuition. The above appropriation is to be distributed to the following Vocational-Technical Schools:(1) Atmore State Technical College; (2) Alabama Aviation and Technical College; (3) Alabama Technical College; (4) Harry M. Ayers State Technical College; (5) Bessemer State Technical College; (6) John C. Calhoun State Community College-Technical Division; (7) Carver State Technical College; (8) J. F. Drake State Technical College; (9) Gadsden State Technical Institute; (10) Richmond P. Hobson State Technical College; (11) J. F. Ingram State Technical College; (12) Theodore A. Lawson State Community College-Technical Division; (13) Douglas McArthur State Technical College; (14) Muscle Shoals State Technical College; (15) Northwest Alabama State Technical College; (16) N. F. Nunnelley State Technical College; (17) Opelika State Technical College; (18) John M. Patterson State Technical College; (19) Ed E. Reid State Technical College; (20) Shelton State Technical College; (21) Southwest State Technical College; (22) Chauncy Sparks State Technical College; (23) Council Trenholm State Technical College; (24) C. A. Fredd State Technical College; (25) Walker State Technical College; (26) George C. Wallace State Community College-Technical Division (Selma); (27) George C. Wallace State Community College-Technical Division (Dothan); (28) George C. Wallace State Community College-Technical Division (Hanceville). Of the above appropriations contained herein in Section 3-A-24 not more than the sum of $308,569 may be used by the State Board of Education-Postsecondary Education Department for administration of the Postsecondary Vocational-Technical Education System.

25. PUBLIC SCHOOL AND COLLEGE AUTHORITY, ALABAMA:			
(a) Special Services Program			1,000,000
SOURCE OF FUNDS:			
(1) ASETF	1,000,000		
Total Alabama Public School and College Authority	1,000,000		1,000,000
26. RETIREMENT SYSTEM OF ALABAMA, EMPLOYEES' (ASETF SHARE):			
(a) Retirement Systems Program, Estimated			279,200
SOURCE OF FUNDS:			
(1) ASETF	279,200		

Total Employees' Retirement System of Alabama (ASETF Share)	279,200		279,200
27. RETIREMENT SYSTEM OF ALABAMA, TEACHERS' (ASETF SHARE):			
(a) Retirement Systems Program, Estimated			193,750,000
SOURCE OF FUNDS:			
(1) ASETF - Teachers' Retirement System, Estimated	170,059,000		
(2) ASETF - Teachers' Special Pension Fund, Estimated	23,691,000		
Total Teachers' Retirement System of Alabama (ASETF Share)	193,750,000		193,750,000
28. SHELTON STATE COMMUNITY COLLEGE-ALABAMA STATE FIRE COLLEGE:			
(a) Postsecondary Two Year Institutions Program			527,697
SOURCE OF FUNDS:			
(1) ASETF	227,993		
(2) Federal and Local Funds		299,704	
Total Shelton State Community College-State Fire College	227,993	299,704	527,697
29. SOCIAL SECURITY (ASETF SHARE):			
(a) For State's share of Social Security, Estimated			97,888,894
SOURCE OF FUNDS:			
(1) ASETF	97,888,894		
Total Social Security (ASETF Share)	97,888,894		97,888,894
30. TENURE COMMISSION, STATE:			
(a) Regulation Program			8,000
SOURCE OF FUNDS:			
(1) ASETF	8,000		
Total State Tenure Commission	8,000		8,000
31. TELEVISION COMMISSION, EDUCATIONAL:			
(a) Educational TV Services Program			2,785,678
(b) Public Radio Services Program			235,484
The appropriation to the Educational Television Commission shall include a transfer to the State Personnel Department of $5,271.			

SOURCE OF FUNDS:			
(1) ASETF	2,121,162		
(2) Federal and Local Funds		900,000	
Total Educational Television Commission	2,121,162	900,000	3,021,162
32. UNEMPLOYMENT COMPENSATION-LOCAL BOARDS:			3,500,000
SOURCE OF FUNDS:			
(1) ASETF, Estimated	3,500,000		
Total Unemployment Compensation Local Boards	3,500,000		3,500,000
33. VETERANS' EDUCATION BENEFITS:			
(a) Administration of Veterans' Affairs Program			2,200,000
SOURCE OF FUNDS:			
(1) ASETF-Transfer	2,200,000		
Total Veterans' Education Benefits	2,200,000		2,200,000
The above appropriation includes pro rata administration costs of the Department of Veterans Affairs and for the reimbursement to every State Institution of Higher Learning, College, University, Junior College, or Vocational-Technical School in which benefits are given to Veterans, their wives, widows, or children under the provision of Title 31, Chapter 5, 1975 Code of Alabama as amended.			
34. YOUTH SERVICES, DEPARTMENT OF:			
(a) Youth Services Program			11,262,560
The appropriation to the Department of Youth Services shall include a transfer to the State Personnel Department of $19,515.			
SOURCE OF FUNDS:			
(1) ASETF	10,318,769		
(2) Federal and Local Funds		943,791	
Total Department of Youth Services	10,318,769	943,791	11,262,560
(To be expended in accordance with Title 44, Chapter 1, 1975 Code of Alabama as amended.)			

B. FINANCIAL ASSISTANCE TO NON-STATE EDUCATIONAL AGENCIES:			
1. AMERICAN LEGION AND AUXILIARY SCHOLARSHIPS:			
(a) Support of Other Educational Activities Program			5,200
SOURCE OF FUNDS:			
(1) ASETF	5,200		
Total American Legion and Auxiliary Scholarships	5,200		5,200
(To be expended under the provisions of Title 16, Chapter 31, Sections 1 through 4, 1975 Code of Alabama as amended.)			
2. SYLACAUGA NURSES TRAINING SCHOOL			
(a) Support of Other Educational Activities Program			84,600
SOURCE OF FUNDS:			
(1) ASETF	84,600		
Total Sylacauga Nurses Training School	84,600		84,600
Section 4.			
COLLEGES, UNIVERSITIES AND SCHOOLS			
I. BOARD OF TRUSTEES OF UNIVERSITY OF ALABAMA:			
A. The University			
1. Operations and Maintenance	37,252,677	25,682,000	62,934,677
2. Cooperative University Upper Division Program-Gadsden	206,000	79,000	285,000
3. Center for Emotionally Disturbed Children	548,000	30,000	578,000
4. Legal Education/Research	185,000		185,000
5. Nursing Scholarships	18,000		18,000
6. Capstone Medical Center	862,000	665,130	1,527,130
7. Alabama Museum of Natural History	172,000	67,900	239,900
Of the $172,000 appropriated from the Alabama Special Educational Trust Fund to the Alabama Museum of Natural History, $111,000 shall be used for Mound State Park at Moundville.			
8. College of Community Health Sciences Medical Education	2,503,000	141,200	2,644,200

9. Research, Extension and Public Service	2,129,000	353,956	2,482,956
10. School of Mines and Energy Development	1,883,000		1,883,000
11. Emergency Medical Services	145,000		145,000
12. Rural Infant Stimulation Environment Program	144,000		144,000
13. High Risk Nursery	117,000		117,000
14. Safe State Program	178,000		178,000
15. Auxiliary Enterprises		21,707,774	21,707,774
16. Restricted Funds		13,218,000	13,218,000
SOURCE OF FUNDS:			
(1) ASETF	46,342,677		
(2) Other Funds		61,944,960	
Total University of Alabama	46,342,677	61,944,960	108,287,637
B. University of Alabama in Birmingham			
1. University College	15,826,766	17,506,748	33,333,514
2. Family Practice Residency Programs	1,598,836		1,598,836
The above appropriation shall be expended for residency programs as follows:			
Anniston 251,726			
East End 251,726			
Jefferson County 251,726			
Montgomery 251,726			
Selma 340,206			
Gadsden 251,726			
3. School of Medicine	17,391,769	11,620,000	29,011,769
4. University Hospitals	5,952,098	146,497,186	152,449,284
5. School of Optometry	2,403,236	1,571,140	3,974,376
6. School of Community and Allied Health	2,190,921	994,700	3,185,621
7. Regional Technical Institute	1,969,736	245,300	2,215,036
8. Joint Health Sciences	3,219,285	942,000	4,161,285
9. Department of Pediatrics	417,145		417,145
10. Center for Labor Education and Research	270,789		270,789
11. Student Nurses Loans	12,000		12,000
12. Urban Research and Public Service	512,005		512,005
13. School of Dentistry	7,688,697	4,188,100	11,876,797
14. Nursing Scholarships	88,000		88,000
15. System Medical Education			

Program	502,693		502,693
16. School of Nursing	3,430,027	1,167,281	4,597,308
17. Health-Related Research and Public Service	2,903,774		2,903,774
18. Public Health Research Program	143,534		143,534
19. Emergency Medical Service and Training	164,630		164,630
20. Medical Genetics Program	289,501		289,501
21. Hypertension Research	399,351		399,351
22. Multipurpose Arthritis Center	399,351		399,351
23. School of Engineering and Business	438,869		438,869
24. School of Public Health	1,508,672	352,380	1,861,052
25. Montgomery Internal Medical Residency	234,959		234,959
26. Research Development & Relations	149,409		149,409
27. Center for Basic Sciences Reward for Cystic Fibrosis	85,000		85,000
28. Center for Diagnosis and Treatment of Congenital Heart Disease	85,000		85,000
29. Special Mental Health		3,659,382	3,659,382
Of this amount, $205,094 shall be expended for Psychiatric Research.			
30. Center for Developmental and Learning Disorders		618,596	618,596
31. Auxiliary Enterprises		8,056,200	8,056,200
32. Restricted Funds		48,000,000	48,000,000
SOURCE OF FUNDS:			
(1) ASETF	70,276,053		
(2) Special Mental Health Trust Fund		4,277,978	
(3) Other Funds		241,141,035	
Total University of Alabama in Birmingham	70,276,053	245,419,013	315,695,066
C. University of Alabama in Huntsville			
1. Operations and Maintenance	7,799,666	10,803,898	18,603,564
2. Nursing Scholarships	18,000		18,000
3. School of Primary Medical Care	2,812,903	135,947	2,948,850
4. Johnson Environmental and Energy Center	361,154	7,529	368,683
5. Ambulatory Care Center	848,017	582,000	430,017

6. School of Nursing	937,457	285,582	1,223,039
7. Paramedic Training	123,468	31,629	155,097
8. Alabama Solar Energy Center	356,667	7,441	364,108
9. Center for Management and Economic Research	46,800		46,800
10. Community Medicine Rural Preceptorship Program	32,538		32,538
11. Research Institute	150,000	136,574	286,574
12. Auxiliary Enterprises		2,356,632	2,356,632
SOURCE OF FUNDS:			
(1) ASETF	13,486,670		
(2) Other Funds		14,347,232	
Total University of Alabama in Huntsville	13,486,670	14,347,232	27,833,902
II. Board of Trustees of Alabama A & M University			
A. Alabama A & M University			
1. Operations and Maintenance	9,512,416	12,182,000	21,694,416
2. Vocational Teacher Training	264,595		264,595
3. Cooperative Extension, Research and Service	300,000		300,000
4. Auxiliary Enterprises		4,586,995	4,586,995
SOURCE OF FUNDS:			
(1) ASETF	10,077,011		
(2) Other Funds		16,768,995	
Total Alabama A & M University	10,077,011	16,768,995	26,846,006
III. Board of Trustees of Alabama State University			
A. Alabama State University			
1. Operations and Maintenance	8,702,976	9,325,326	18,028,302
2. Auxiliary Enterprises		4,095,482	4,095,482
SOURCE OF FUNDS:			
(1) ASETF	8,702,976		
(2) Other Funds		13,420,808	
Total Alabama State University	8,702,976	13,420,808	22,123,784
IV. State Board of Education			
A. Athens State College			
1. Operations and Maintenance	1,975,676	890,369	2,866,045
2. Auxiliary Enterprises		202,088	202,088
SOURCE OF FUNDS:			
(1) ASETF	1,975,676		
(2) Other Funds		1,092,457	
Total Athens State College	1,975,676	1,092,457	3,068,133
V. Board of Trustees of Auburn			

University			
A. Auburn University			
1. Operations and Maintenance	41,855,326	41,507,352	83,362,678
2. Educational Television	386,506		386,506
3. Center for Vocational and Adult Education	548,910		548,910
4. Clinical Psychology	120,760		120,760
5. Ralph Draughon Library	150,000		150,000
6. Engineering Experiment Station	1,169,351		1,169,351
7. Public Service, Research and Extension	396,159		396,159
8. Energy Research	282,971		282,971
9. Food Animal Health & Disease Research	300,000		300,000
10. Auxiliary Enterprises		21,823,360	21,823,360
SOURCE OF FUNDS:			
(1) ASETF	45,209,983		
(2) Other Funds		63,330,712	
Total Auburn University	45,209,983	63,330,712	108,540,695
B. Agricultural Experiment Station			
1. Operations and Maintenance	8,551,497	11,476,975	20,028,472
SOURCE OF FUNDS:			
(1) ASETF	8,551,497		
(2) Other Funds		11,476,975	
Total Agricultural Experiment Station	8,551,497	11,476,975	20,028,472
C. Cooperative Extension Service			
1. Operations and Maintenance	9,290,710	9,935,891	19,226,601
2. Retirement	1,400,000		1,400,000
SOURCE OF FUNDS:			
(1) ASETF	10,690,710		
(2) Other Funds		9,935,891	
Total Cooperative Extension Service	10,690,710	9,935,891	20,626,601
D. Auburn University at Montgomery			
1. Operations and Maintenance	7,127,834	6,839,365	13,967,199
2. Montgomery Area Community Health Sciences Institute	50,949		50,949
3. Public Service, Research and Extension (Center for Government and Public Affairs)	167,751	75,647	243,398
4. Auxiliary Enterprises		1,803,079	1,803,079
5. Nursing Scholarships	18,000		18,000

SOURCE OF FUNDS:			
(1) ASETF	7,364,534		
(2) Other Funds		8,718,091	
Total Auburn University at Montgomery	7,364,534	8,718,091	16,082,625
VI. Board of Trustees of Jacksonville State University			
A. Jacksonville State University			
1. Operations and Maintenance	11,892,641	7,540,000	19,432,641
2. Cooperative University Upper Division Program - Gadsden	464,000	25,000	489,000
3. Nursing Scholarships	18,000		18,000
4. United Cerebral Palsy Development Center for East Central Alabama	92,793		92,793
5. Vocational Teacher Training	92,793		92,793
6. Auxiliary Enterprises		2,587,468	2,587,468
SOURCE OF FUNDS:			
(1) ASETF	12,560,227		
(2) Other Funds		10,152,468	
Total Jacksonville State University	12,560,227	10,152,468	22,712,695
VII. Board of Trustees of Livingston University			
A. Livingston University			
1. Operations and Maintenance	4,125,680	1,435,455	5,561,135
2. Nursing Scholarships	18,000		18,000
3. Auxiliary Enterprises		1,604,722	1,604,722
SOURCE OF FUNDS:			
(1) ASETF	4,143,680		
(2) Other Funds		3,040,177	
Total Livingston University	4,143,680	3,040,177	7,183,857
VIII. Board of Trustees of University of Montevallo			
A. University of Montevallo			
1. Operations and Maintenance	6,189,577	3,784,221	9,973,798
2. School for Aphasic Children	220,295		220,295
3. Highway Safety Program	137,579		137,579
4. Communication Center	69,597		69,597
5. Auxiliary Enterprises		2,924,185	2,924,185
SOURCE OF FUNDS:			
(1) ASETF	6,617,048		
(2) Other Funds		6,708,406	
Total University of Montevallo	6,617,048	6,708,406	13,325,454
IX. Board of Trustees of Univer-			

sity of North Alabama			
A. University of North Alabama			
1. Operations and Maintenance	8,527,617	5,941,013	14,468,630
2. Nursing Scholarships	18,000		18,000
3. Auxiliary Enterprises		2,318,006	2,318,006
SOURCE OF FUNDS:			
(1) ASETF	8,545,617		
(2) Other Funds		8,259,019	
Total University of North Alabama	8,545,617	8,259,019	16,804,636
X. Board of Trustees of University of South Alabama			
A. University of South Alabama			
1. Operations and Maintenance	12,540,960	21,681,008	34,221,968
2. Medical Research and Public Service	284,223		284,223
3. Family Practice Residency Program	568,293		568,293
4. College of Medicine	9,285,484	5,092,958	14,378,442
5. Medical Center Hospital	1,144,714	39,349,557	40,494,271
6. College of Allied Health	770,640	261,300	1,030,940
7. School of Nursing	709,493	320,930	1,030,423
8. Nursing Scholarships	18,000		18,000
9. Paramedic Training Program	140,808	75,000	215,808
10. Newborn Growth and Development Program	80,834		80,834
11. Birth Defects and Genetic Center	199,587		199,587
12. Research, Public Service and Extension	92,916	60,000	152,916
13. Basic Medical Sciences	276,400	75,000	351,400
14. Auxiliary Enterprises		6,457,386	6,457,386
SOURCE OF FUNDS:			
(1) ASETF	26,112,352		
(2) Other Funds		73,373,139	
Total University of South Alabama	26,112,352	73,373,139	99,485,491
XI. Board of Trustees of Troy State University			
A. Troy State University			
1. Operations and Maintenance at Troy	7,661,057	7,041,245	14,702,302
2. Operations and Maintenance at Ft. Rucker/Dothan	1,158,262	1,410,610	2,568,872
3. Operations and Maintenance at Montgomery	417,999	1,531,200	1,949,199

4. Nursing Scholarships	36,000		36,000
5. Operations and Maintenance at Bay Minette	112,471	160,000	272,471
6. School of Nursing-Montgomery	250,000	1,075	251,075
7. Branch Campus at Phenix City	219,341	310,894	530,235
8. Auxiliary Enterprises		3,853,925	3,853,925
SOURCE OF FUNDS:			
(1) ASETF	9,855,130		
(2) Other Funds		14,308,949	
Total Troy State University	9,855,130	14,308,949	24,164,079
XII. Board of Trustees for Alabama Institute for Deaf and Blind			
1. Children and Youth Programs	6,413,326	1,026,438	7,439,764
2. E. H. Gentry Technical Facility	1,865,476	2,158,545	4,024,021
3. Industries for the Blind	577,090	9,722,592	10,299,682
SOURCE OF FUNDS:			
(1) ASETF	8,855,892		
(2) Other Funds		12,907,575	
Total Alabama Institute for Deaf and Blind	8,855,892	12,907,575	21,763,467

Section 5.

A. SPECIAL MENTAL HEALTH FUND:

(1) There is hereby appropriated from the Special Mental Health Trust Fund to the Board of Trustees of the University of Alabama for the University of Alabama in Birmingham $3,659,382 to be expended for Special Mental Health.

(2) There is hereby appropriated from the Special Mental Health Trust Fund to the Board of Trustees of the University of Alabama for the University of Alabama in Birmingham $618,596 to be expended for the Center for Developmental and Learning Disorders.

B. ALABAMA BOARD OF NURSING TRUST FUND:

There is hereby appropriated from the Alabama Board of Nursing Trust Fund to the Alabama Board of Nursing $630,500 to be expended for the Professional and Occupational Licensing and Regulation Program.

C. ALABAMA PEACE OFFICERS' STANDARDS AND TRAINING FUND:

There is hereby appropriated from the Alabama Peace Officers' Standards and Training Fund to the Alabama Peace Officers' Standards and Training Commission $450,000 to be expended for the Certified Law Enforcement Academy Program.

D. PUBLIC SCHOOL FUND:

For the Public School Fund all funds derived from the levy of the special annual tax of thirty cents on each one hundred dollars ($100) of taxable property in this State for the support and maintenance of the public schools

and from other funds mentioned and enumerated in Section 257, 258, and 259 of the Constitution of 1901 and the amount appropriated from all other funds as is now provided by law, provided, however, not more than four percent of all funds appropriated in this Section shall be used or expended otherwise than for the payment of teachers employed in such schools. There is hereby appropriated forty million dollars ($40,000,000) from the Public School Fund for the Minimum Program Fund to be expended under the Financial Assistance Program as shown in subsection 3-A-19(a). If the Public School Fund receives more revenue than appropriated for the fiscal year ending September 30, 1984, the excess in revenue shall be carried over as a beginning balance for the fiscal year beginning October 1, 1984.

Section 6. The State Superintendent of Education shall make requisition on the State Comptroller in favor of the proper beneficiary in accordance with the law and rules and regulations governing the expenditure or disbursement of any and all funds appropriated to the State Department of Education and/or the State Board of Education in this Act, whereupon the Comptroller shall issue his warrant therefor. All other appropriations in this Act shall be paid on request by the Comptroller in the manner now provided by law.

Section 7. Nothing in this Act shall be construed to affect or repeal any law authorizing or permitting any college, school or other education or eleemosynary institution of the State to receive, collect or disburse any fees, tuitions, charges, sales, endowments, trusts or income therefrom, which are now or may hereafter be authorized to receive, collect or disburse. The receiving college, school or institution shall further maintain separate accounts for such receipts or shall maintain a system of accounting which will show a cash flow of such receipts received under the provision of this appropriation. Further, all state, county and education entities are authorized to disburse such funds as deemed necessary by mutual agreement between said entities and the State of Alabama, Department of Examiners of Public Accounts to partially defray the cost of auditing services performed by said agency. All such sums are hereby appropriated and reappropriated if necessary to the Department of Examiners of Public Accounts for audit services, to be expended through the fund established by the Code of Alabama 1975, Section 41-5-24.

Section 8. The provisions of this Act are severable. If any section, paragraph, sentence, clause, provision, or portion of this Act or all or any portion of any appropriation or appropriations herein made be held unconstitutional or invalid, such holding shall not affect any other section, paragraph, sentence, clause, provision or portion of this Act or any other appropriation or appropriations or portion thereof hereby made.

Section 9. This act shall become effective on October 1, 1983.

And the substitute was adopted.

Yeas 89; Nays 0.

Yeas:

Mr. Speaker, Bennett, Biddle, Blakeney, Boles, Box, Brakefield, Browder, Bryant, Buskey, Carothers, Carter, Casey, Clark, Clikas, Coburn, Cosby, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A.L.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Langford, Lauderdale, Layton, McKee, McMillan, Martin, Mathis, Melton, Moore, Murphy, Nevett, Newman,

Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turner, Venable, Waggoner, Warren, White (F.), White (L.), Williams, Wilson, Wright and Zoghby.

—89

AMENDMENT OFFERED

Rep. Holmes offered the following amendment to the bill H. 245 as amended:

Amend House Bill 245 as substituted on page 7, line 18 by deleting the figure "250,000" and inserting in lieu thereof the figure "125,000".

Further amend House Bill 245 as substituted on page 7 after line 23 by inserting the following new sub-section:

"(7) Trenholm State Technical College—For Paramedic Training. 125,000"

AMENDMENT TABLED

On motion of Rep. Coburn the amendment offered by Rep. Holmes to the bill, H. 245 as amended, was tabled.

Yeas 65; Nays 10.

Yeas:

Mr. Speaker, Adams, Biddle, Box, Brakefield, Brooks, Browder, Carothers, Carter, Casey, Clikas, Coburn, Coleman, Crow, Dutton, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Layton, Lewis, McMillan, Martin, Mathis, Melton, Moore, Murphy, Newman, Nicholson, Owens, Parker, Payne, Poole, Preuitt, Rice, Richardson, Sasser, Scott, Starkey, Stout, Trammell, Turner, Turnham, Venable, Waggoner, White (F.), White (L.), Williams, Wright and Zoghby.

—65

Nays:

Reps. Bryant, Buskey, Clark, Davis, Holmes, Langford, Nevett, Reed, Thomas and Tucker.

—10

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Joint Resolution, your signature thereto is requested:

S. J. R. 124. EXPRESSING APPRECIATION FOR THE SERVICE OF CLYDE P. McLENDON TO THE STATE OF ALABAMA AND EXTENDING SYMPATHY TO HIS FAMILY.

Also:

S. J. R. 140. MEMORALIZING THE PRESIDENT AND THE U. S. CONGRESS TO CALL UPON ALL CITIZENS TO RENEW THEIR ALLEGIANCE TO THIS COUNTRY.

Also:

S. J. R. 148. NAMING THE ONE-STORY BRICK BUILDING LOCATED ON TERRY STREET AT THE ALABAMA INSTITUTE FOR DEAF AND BLIND, AND HOUSING THE PRESCHOOL CHILDREN OF THE ALABAMA SCHOOL FOR THE DEAF, THE "ROBERT WEAVER COTTAGE."

Also:

S. J. R. 149. NAMING THE MANNING HALL ANNEX AT THE ALABAMA INSTITUTE FOR DEAF AND BLIND THE "HARRY L. BAYNES HALL."

Also:

S. J. R. 150. COMMENDING ROYAL AIR FORCE COLTISHALL, UNITED KINGDOM, ENGLAND.

Also:

S. J. R. 154. COMMENDING MR. DEWEY P. WILLIAMS OF OZARK, ALABAMA.

Also:

S. J. R. 157. MOURNING THE DEATH OF DR. JERRY D. YOUNG OF BIRMINGHAM, ALABAMA.

Also:

S. J. R. 172. MEMORIALIZING THE PRESIDENT AND CONGRESS TO PROHIBIT THE IMPORTATION OF STEEL BY THE UNITED STATES STEEL CORPORATION FROM THE BRITISH STEEL CORPORATION.

Also:

S. J. R. 174. COMMENDING MR. J. RUFUS BEALLE FOR OUTSTANDING SERVICE TO THE UNIVERSITY OF ALABAMA.

Also:

S. J. R. 176. NAMING THE NEW TENNESSEE RIVER BRIDGE ON ALABAMA HIGHWAY 35, THE "ROBERT E. 'BOB' JONES BRIDGE."

Also:

S. J. R. 177. COMMENDING MR. RED HOLLAND FOR HIS CONTRIBUTIONS TO THE PROMOTION OF WILDLIFE AND CONSERVATION IN ALABAMA.

Also:

S. J. R. 178. NAMING THE GYMNASIUM AT TUSCALOOSA COUNTY HIGH SCHOOL, THE "COACH MAC McKINZEY GYMNASIUM."

McDOWELL LEE,
Secretary.

SIGNING OF SENATE JOINT RESOLUTIONS

The Speaker of the House in the presence of the House immediately after the titles had been publicly read by the Clerk, the reading at length

having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolutions, the titles of which are set out in the above and foregoing Message from the Senate.

H. 245 RESUMED

AMENDMENT OFFERED

Rep. Holmes offered the following amendment #2 to the bill H. 245 as amended:

Amend House Bill 245 as substituted on page 51 by adding a new subsection after line 33:

"XIII Trenholm State Technical College For Paramedic Training		125,000
Source of Funds:		
(1) ASETF	125,000	
Total Trenholm State Technical College	125,000	125,000"

AMENDMENT TABLED

On motion of Rep. Coburn, the amendment #2 offered by Rep. Holmes to the bill, H. 245 as amended, was tabled.

Yeas 52; Nays 22.

Yeas:

Mr. Speaker, Adams, Albright, Biddle, Box, Brakefield, Brooks, Browder, Carothers, Casey, Clikas, Coburn, Coleman, Crow, Dutton, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Hall, Hammett, Harper, Hettinger, Holley, Johnson (A.L.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Layton, Newman, Nicholson, Owens, Parker, Payne, Poole, Preuitt, Rice, Richardson, Sasser, Smith, Starkey, Stout, Trammell, Turner, Venable, Waggoner, White (L.), Williams and Wright.

—52

Nays:

Reps. Bennett, Bryant, Buskey, Clark, Cosby, Davis, Holmes, Horn, Howard, Johnson (R.G.), Laird, Langford, McKee, McMillan, Moore, Nevett, Reed, Thomas, Thornton, Tucker, White (F.) and Zoghby.

—22

AMENDMENT OFFERED

Rep. Ford offered the following amendment to the bill, H. 245 as amended:

Amend House Bill 245 as substituted on page 16, line 9 by striking the period after the word "appropriation" and by inserting the following:

", provided, however, the nursing and allied health credit hours will be funded on a cost basis based upon the 1982-83 academic year in accordance with the number of quarter hours attempted within the departments. However, only major allied health courses will be funded; related courses will be funded the same as non-health programs."

AMENDMENT TABLED

On motion of Rep. Holley, the amendment offered by Rep. Ford to the bill, H. 245 as amended, was tabled.

Yeas 42; Nays 16.

Yeas:

Mr. Speaker, Biddle, Blake, Box, Brakefield, Brooks, Bryant, Casey, Clark, Clikas, Coburn, Dutton, Flowers, Freeman, Gaston, Goodwin, Harper, Holley, Johnson (R.G.), Johnson (Roy), McKee, McMillan, Martin, Moore, Murphy, Newman, Nicholson, Owens, Parker, Poole, Preuitt, Rogers, Sasser, Scott, Smith, Starkey, Turnham, Venable, Waggoner, Warren, White (L.) and Zoghby.

—42

Nays:

Reps. Carothers, Carter, Coleman, Drinkard, Ford, Harvey, Junkins, Lauderdale, Mathis, Penry, Rice, Richardson, Seibels, Stout, White (F), and Williams.

—16

AMENDMENT OFFERED

Rep. Mathis offered the following amendment to the bill, H. 245 as amended:

Amend House Bill 245 as substituted on page 6, after line 20 by inserting the following sentence:

"Of the above appropriation of $4,631,867 to the Crippled Children Services Program, $31,867 shall be earmarked to the Geneva County Association of Retarded Children."

AMENDMENT TABLED

On motion of Rep. Coburn, the amendment offered by Rep. Mathis to the bill, H. 245 as amended, was tabled.

Yeas 39; Nays 19.

Yeas:

Mr. Speaker, Adams, Biddle, Brakefield, Brooks, Bryant, Casey, Clikas, Coburn, Coleman, Crow, Dutton, Flowers, Freeman, Gaston, Goodwin, Grimsley, Hall, Harper, Hettinger, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Layton, McKee, McMillan, Martin, Moore, Newman, Owens, Parker, Smith, Starkey, Tucker, Turnham, Waggoner, Warren and Wright.

—39

Nays:

Reps. Carothers, Davis, Hammett, Holley, Horn, Kvalheim, Laird, Mathis, Murphy, Nevett, Nicholson, Penry, Poole, Rains, Richardson, Seibels, Turner, Venable and Wilson.

—19

AMENDMENT OFFERED

Rep. Mathis offered the following amendment #2 to the bill, H. 245 as amended:

Amend House Bill 245 as substituted on page 23, line 9 by deleting the figure 22,209,551 and inserting in lieu thereof the figure 22,184,551.

Further amend House Bill 245 as substituted on page 23, line 11 by deleting the figure 1,773,000 and inserting in lieu thereof the figure 1,798,000.

Further amend House Bill 245 as substituted on page 24, line 24 by adding after the word County; the following:

$25,000 shall be allocated to the Geneva County Association of Retarded Children;

AMENDMENT TABLED

On motion of Rep. Coburn, the amendment #2 offered by Rep. Mathis to the bill, H. 245 as amended, was tabled.

Yeas 31; Nays 23.

Yeas:

Mr. Speaker, Adams, Blake, Box, Brakefield, Casey, Clark, Coburn, Coleman, Dutton, Flowers, Gaston, Goodwin, Grimsley, Harper, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Lauderdale, Martin, Moore, Newman, Nicholson, Owens, Parker, Smith, Starkey, Tucker, Turnham and Warren.

—31

Nays:

Reps. Brooks, Carothers, Carter, Clikas, Davis, Faulk, Hammett, Holley, Horn, Kvalheim, Laird, McMillan, Mathis, Nevett, Penry, Poole, Rains, Rogers, Trammell, Turner, Venable, Williams and Wilson.

—23

AMENDMENT OFFERED

Rep. Stout offered the following amendment to the bill, H. 245 as amended:

Amend House Bill 245 as substituted on page 23 and 24 by deleting Sub-section (h) in its entirety.

Further amend on page 23, line 9 by deleting the figure "22,209,551" and inserting in lieu thereof the figure "23,982,551"

AMENDMENT TABLED

On motion of Rep. Coburn, the amendment offered by Rep. Stout to the bill, H. 245 as amended, was tabled.

Yeas 69; Nays 6.

Yeas:

Mr. Speaker, Adams, Albright, Bennett, Biddle, Blake, Blakeney, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Carothers, Carter, Casey, Clark, Clikas, Coburn, Cosby, Crow, Drinkard, Dutton, Faulk, Flowers,

Gaston, Goodwin, Grimsley, Grouby, Hall, Harper, Hettinger, Holley, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, McKee, McMillan, Martin, Melton, Moore, Newman, Owens, Poole, Preuitt, Reed, Sasser, Scott, Starkey, Starr, Tucker, Turner, Turnham, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

—69

Nays: Reps. Coleman, Junkins, Nevett, Parker, Rains and Rice. —6

And the bill, H. 245, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 96; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Bennett, Biddle, Blake, Blakeney, Boles, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Martin, Mathis, Melton, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

—96

MOTION TO SUSPEND THE RULES AND TRANSMIT

On motion of Rep. Coburn, the rules were suspended in order to transmit the bill, H. 245 to the Senate.

And the bill:

H. 237. To make appropriations for the support and maintenance of the Walker County Junior College.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 83; Nays 1.

Yeas:

Mr. Speaker, Bennett, Biddle, Blake, Blakeney, Boles, Box, Browder, Bryant, Buskey, Campbell, Carothers, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Holley, Horn, Howard, Johnson (A.L.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Lewis, McMillan, Manley, Martin, Mathis, Melton, Minus, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Thomas, Trammell, Tucker, Turner, Turnham, Venable, Warren, White (F), White (L), Williams, Wilson,

Wright and Zoghby.

—83

Nay: Rep. Brooks. —1

And the bill:

H. 238. To make appropriations for the support and maintenance of the Tuskegee Institute.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 83; Nays 1.

Yeas:

Mr. Speaker, Albright, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Browder, Bryant, Buskey, Campbell, Carothers, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Gaston, Goodwin, Grimsley, Grouby, Hall, Holley, Holmes, Horn, Howard, Johnson (A.L.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Lewis, McMillan, Manley, Martin, Mathis, Melton, Minus, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Starkey, Starr, Thomas, Thornton, Trammell, Tucker, Turner, Turnham, Venable, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

—83

Nay: Rep. Brooks. —1

PERMISSION GRANTED

Permission was granted for the journal to show that Rep. Minus would have voted "Yea" on the bill, H. 245 as amended, had he been in the chamber at the time the vote was taken.

And the bill:

H. 239. To make appropriations for the support and maintenance of the Talladega College.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 85; Nays 1.

Yeas:

Mr. Speaker, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Browder, Bryant, Buskey, Campbell, Carothers, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A.L.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, McMillan, Manley, Martin, Mathis, Melton, Minus, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Starkey, Starr, Thomas, Thornton, Trammell, Tucker, Turner, Turnham, Venable, Warren, White (F), White

(L), Williams, Wilson, Wright and Zoghby.

—85

Nay: Rep. Brooks. —1

And the bill:

H. 240. To make appropriations for the support and maintenance of the Marion Military Institute.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 89; Nays 1.

Yeas:

Mr. Speaker, Adams, Albright, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Browder, Bryant, Buskey, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, McMillan, Manley, Martin, Mathis, Melton, Minus, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Penry, Poole, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Starkey, Starr, Thomas, Thornton, Trammell, Tucker, Turner, Turnham, Venable, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

—89

Nay: Rep. Brooks. —1

CO-SPONSORS ADDED

Reps. White (F), Rains and Flowers were added as co-sponsors to the bill, H. 240.

And the bill:

H. 241. To make appropriations for the support and maintenance of the Lyman Ward Military Academy.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 91; Nays 1.

Yeas:

Mr. Speaker, Adams, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Browder, Bryant, Buskey, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Holley, Holmes, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, McMillan, Manley, Martin, Mathis, Melton, Minus, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Penry, Poole, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turner, Turnham, Venable,

Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

—91

Nay: Rep. Brooks. —1

CO-SPONSORS ADDED

Reps. White (L), Turnham and Rains were added as co-sponsors to the bill, H. 241.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 144. CONDEMNING THE IRANIAN PERSECUTION OF MEMBERS OF THE BAHA'I RELIGIOUS FAITH.

Also:

H. J. R. 258. MEMORIALIZING THE PRESIDENT AND THE CONGRESS TO PROHIBIT THE IMPORTATION OF STEEL BY THE UNITED STATES STEEL CORPORATION FROM THE BRITISH STEEL CORPORATION.

Also:

H. J. R. 290. TO ESTABLISH A JOINT LEGISLATIVE COMMITTEE TO OVERSEE A SPECIAL AUDIT OF THE TEACHERS' RETIREMENT SYSTEM AND EMPLOYEES' RETIREMENT SYSTEM OF ALABAMA.

McDOWELL LEE,
Secretary.

BILLS ON SECOND READING

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 677. Relating to Elmore County, to provide an expense allowance and mileage allowance to supplement the compensation of the county coroner.

H. 719. Relating to Elmore County, to authorize the sheriff to use certain county jail inmates to work on county roads and public property.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

S. 309. (With Amendment): Relating to Talladega County; abolishing the offices of tax assessor and tax collector and providing for the establishment of a consolidated and unified system for assessment and collection of taxes, under the supervision of an elected county official designated as county revenue commissioner, providing for the term of office, duties, office, equipment, personnel, and compensation of such official, repealing conflict-

ing laws, to be effective upon the approval of a majority of the electors of Talladega County in a referendum election held for such purpose.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 441. Relating to Monroe County; to provide an additional expense allowance for the members of the county board of education to become effective June 1, 1983.

Rep. Waggoner, Chairman of the Standing Committee on Local Legislation No. 2, reported that said committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 91. Relating to Jefferson County; to prescribe the compensation of the Assistant Sheriff for the Bessemer Division of Jefferson County and to repeal all conflicting statutes.

H. 721. Relating to Jefferson County; to regulate further the taking of fish from public streams and impounded waters in such county except in municipal parks; authorizing the taking of non-game fish by the use of wire mesh baskets, on which a privilege license tax has been paid; prohibiting the sale of fish so taken; prescribing penalties for violation of this Act.

S. 198. To amend Section 11-52-3, Code of Alabama 1975, to make certain provisions applicable to Class I municipalities and to provide for the appointment by the mayor or any council member serving as a member of a municipal planning commission of a Class I municipality to appoint a supernumerary member to be counted for quorum purposes and to act with all powers of a regular member whenever such municipal officer is not present.

Rep. Langford, temporary Chairman of the Standing Committee on Local Legislation No. 4, reported that said committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 747. Relating to Montgomery County; providing further for the compensation of the judge of probate.

SPECIAL ORDER RESUMED

And the bill:

H. 752. To make an additional appropriation for salaries and other expenses of the legislature for the fiscal year ending September 30, 1983.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 81; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Bennett, Biddle, Blake, Blakeney, Bowling, Box, Brakefield, Brooks, Bryant, Buskey, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Hettinger, Holley, Holmes, Horn, Howard, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford,

Lauderdale, McMillan, Mathis, Melton, Minus, Moore, Murphy, Nevett, Newman, Nicholson, Parker, Penry, Rains, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Thomas, Thornton, Trammell, Tucker, Turner, Turnham, Venable, Warren, White (F), White (L) and Williams.

—81

And the bill:

H. 762. To amend Act No. 82-569 so as to provide for payment of principal and interest on the public debt (1983 Refunding Bonds) for the fiscal year ended September 30, 1983.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 80; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Bennett, Biddle, Blake, Blakeney, Bowling, Box, Brakefield, Brooks, Bryant, Buskey, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Ford, Freeman, Gaston, Goodwin, Grimsley, Hall, Hammett, Harper, Hettinger, Holley, Holmes, Horn, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, McMillan, Mathis, Melton, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Poole, Rains, Richardson, Rogers, Scott, Seibels, Smith, Starkey, Starr, Thomas, Thornton, Trammell, Tucker, Turner, Turnham, Venable, Warren, White (F), White (L), Williams, Wilson and Zoghby.

—80

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Rep. Johnson (Roy):

H. 769. To provide that any future appropriation made to the public education employees' health insurance board and to the state employees' health insurance board for the purpose of funding a uniform plan of health insurance for educational and state personnel shall also be made to the Teachers' Retirement System and to the State Employees' Retirement System for funding an insurance plan for retired teachers, noncertified or classified educational employees and state employees.

Ways and Means.

By Rep. Johnson (Roy) (With Notice and Proof):

H. 770. Relating to Tuscaloosa County; providing for the filing for record and the preservation of all orders and decrees made and entered by any judge of the circuit court in Tuscaloosa County.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H.B. 770, AS REQUIRED IN THE GENERAL

ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Reps. Bowling and Stout:

H. 771. To amend Section 13A-9-10, Code of Alabama 1975, relating to the crime of criminal simulation, so as to include certain reproductions of goods and textiles designedly imitated in style or appearance, calculated to defraud the ordinary buyer under ordinary conditions in the trade, or the selling or offering to sell such goods.

Judiciary.

By Reps. Sasser and Grimsley (With Notice and Proof):

H. 772. Relating to Henry County only; fixing the fee for issuance of a pistol permit by the sheriff; providing for the distribution and use of such fees; and repealing all laws in conflict herewith.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H.B. 772, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Reps. Sasser and Grimsley (With Notice and Proof):

H. 773. Relating to Henry County; providing for the establishment of a consolidated and unified system for assessment and collection of taxes, under the supervision of an elected county official designated as county revenue commissioner; providing for the compensation of such official; and repealing conflicting laws.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H.B. 773, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Waggoner:

H. 774. To provide that certain prior service as a municipal court judge may be counted toward retirement as a circuit judge.

Ways and Means.

By Rep. Langford:

H. 775. Relating to Class 3 municipalities; authorizing the governing body of any such municipality to amend the annual budget proposed for such municipality during the adoption process for such budget and to adjust line item appropriations in an adopted budget during the fiscal year.

Judiciary.

By Rep. Langford:

H. 776. Relating to Class 3 municipalities; providing that any legal ac-

tion brought or defended by any such municipality must be approved by its governing body in a regular meeting.

Judiciary.

By Rep. Langford:

H. 777. Relating to Class 3 municipalities; prescribing membership guidelines for appointed boards and authorities in such municipalities and providing that such boards and authorities shall be appointed according to such guidelines by the members of the governing bodies of such municipalities.

Judiciary.

By Rep. Langford:

H. 778. Relating to Class 3 municipalities; providing that the governing body of any municipality in such class shall be responsible for filing an initial reapportionment plan whenever reapportionment of governing body district boundaries becomes necessary.

Judiciary.

By Rep. Bennett:

H. 779. To exempt the Association for Retarded Citizens of Alabama, Inc., and its affiliated units not otherwise exempt, from the payment of all state, county and municipal sales and use taxes.

Ways and Means.

By Rep. Thomas (With Notice and Proof):

H. 780. Relating to Lowndes County; amending Section 1 of Act No. 81-923, H. 74, 1981 First Special Session, (Acts 1981, p. 73), relating to clerical assistants for the tax assessor and tax collector of the county, so as to further provide for such assistants.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H.B. 780, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Dutton:

H. 781. To provide for a state archery hunting license or stamp; to provide penalties for violating provisions of this act or rules and regulations promulgated by the department of conservation hereunder.

Natural Resources.

By Rep. Dutton:

H. 782. To amend Section 12-12-31, Code of Alabama 1975, relating to small claims action and the amount of jurisdiction, so as to increase such amount.

Judiciary.

By Rep. Holmes:

H. 783. To amend Section 13A-3-27, Code of Alabama 1975, relating to the use of force in making an arrest, so as to alter the instances where deadly force may be used.

Judiciary.

By Rep. Holmes:

H. 784. To repeal Act No. 456 of the Legislature of Alabama, Regular Session 1973; to establish investigators for the District Attorney's Office for the Fifteenth Judicial Circuit of Alabama, and provide for the hiring, salaries, expenses, authority and duties of such officers; and to repeal all laws and parts of laws in conflict with this Act.

Local Legislation No. 4.

By Reps. Rains, Martin, Adams, Grimsley, Preuitt, Layton, Carothers and McMillan:

H. 785. To amend Section 32-6-4, Code of Alabama 1975, relating to nondriver identification cards, so as to provide that said cards shall not bear an expiration date.

Highway Safety.

By Reps. Gaston and Kvalheim:

H. 786. To amend Section 13A-7-29, Code of Alabama 1975, relating to criminal littering, so as to increase the penalties for committing said offense.

Judiciary.

By Rep. Casey:

H. 787. To amend Sections 41-9-340, 41-9-343, 41-9-347 and 41-9-355, Code of Alabama 1975, relating to the USS Alabama Battleship Commission, so as to provide for the vacation of office by a member for failure to attend meetings, to increase the monetary limits for which a contract may be executed, to provide that said park shall honor all who participated in military defense of our nation and to forgive certain debts owed by the Commission to the Alabama State Docks.

Ways and Means.

By Rep. Harper (With Notice and Proof):

H. 788. Relating to Mobile County; providing that any political subdivision or agency of such subdivision within the county shall solicit competitive bids when leasing any warehouse, storage, shop, office space or land from any individual, association, corporation, partnership or other business entity and prescribing certain bid procedures.

Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H.B. 788, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Reps. Penry and McMillan:

H. 789. To amend Section 36-22-40, relating to eligibility under the sheriffs' retirement system, so as to further provide for a maximum of certain creditable service; and to provide for certain proof of such service and payment of cost therefor.

Ways and Means.

By Reps. Zoghby, Clikas, Clark, Turner, Kvalheim, Gaston, Harper and Kennedy (With Notice and Proof):

H. 790. Relating to Mobile County; providing for an annual distribution to Mobile United, Inc. from funds received by the county from the additional state sales tax levied on alcoholic beverages by section 28-3-280, Code of Alabama 1975.

Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H.B. 790, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Reps. Boles and Tucker:

H. 791. To amend Section 1-3-8, Code of Alabama 1975, relating to state holidays, so as to maintain the present number of holidays, but alter the dates observed.

State Administration.

By Rep. Horn:

H. 792. Proposing a constitutional amendment to authorize the governing body of Jefferson County to create sewer improvement districts, and to levy ad valorem taxes thereon, subject to the approval of the electors therein or 60 percent of the property owners by area and by assessed valuation.

Constitution and Elections.

The above bill was read a first time at length as required by the Constitution.

By Reps. Nevett, Payne, White (F), Freeman, McMillan, Escott and Davis:

H. 793. To amend Section 16-1-20.2, Code of Alabama 1975, which provides for prayer in public schools, so as to provide further for such prayer.

Public Welfare.

By Rep. Escott:

H. 794. To authorize the Director of the Department of Public Safety to enter into and carry out the provisions of the Nonresident Violator Compact of 1977, a compact which provides nonresident motorists receiving a traffic citation in a participating state the opportunity to receive the same privileges and sanctions offered to resident motorists; it provides definitions and exceptions.

State Administration.

By Rep. Escott (With Notice and Proof):

H. 795. To amend Section 40-3-8, Code of Alabama 1975, to provide that in any county in this state having a population of 600,000 or more according to the last or any subsequent federal census that the compensation of the members of any Board of Equalization and Adjustments as provided in Section 40-3-7 shall be paid 22½% by the state and 77½% by the county, and providing the effective date of the Act.

Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H.B. 795, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Reps. Biddle and Payne:

H. 796. To increase the size of the board of directors of any waterworks board incorporated under Title 11, Chapter 50, Article 8, Code of Alabama 1975, which serves areas in four or more counties; and to provide further for the qualifications and appointment of members of such board of directors.

Health.

By Rep. Campbell (With Notice and Proof):

H. 797. To amend Section 5 of Act No. 82-362, H. 772, of the Regular Session of 1982, relating to the compensation of deputy sheriffs in Calhoun County, so as to clarify the date on which such act shall become effective.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H.B. 797, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

RESOLUTIONS

The following resolutions were introduced:

By Reps. Holmes, Johnson (Roy), Langford, Kennedy and White (L):

H. J. R. 296. HONORING DR. E. D. NIXON OF MONTGOMERY, ALABAMA.

WHEREAS, it is with highest commendation and regard that the Alabama Legislature notes the singular achievement of Dr. E. D. Nixon whose active and influential leadership in the social, economic and civic life of Black people in Montgomery, Alabama, spread to include and to result in the significant accomplishments that are today nationwide; and

WHEREAS, Edgar Daniel Nixon was born in July 1899 to Wesley and Susie Ann Cheppel and though his formal education in the Montgomery Public School System lasted a mere 16 months, he is indeed a learned man who has greatly and positively influenced the lives of all Black Americans; and

WHEREAS, Dr. Nixon's first effectiveness on behalf of Blacks was

through his employment, beginning in the late 1930's, as a sleeping car porter and through his instrumental role in the organization of the local chapter of the Brotherhood of Sleeping Car Porters; as president of the local chapter from 1938 to 1964, he worked diligently to achieve fair employment practices and station accommodations for Black train passengers; and

WHEREAS, additional accomplishments in behalf of Blacks, and solely attributable to Dr. Nixon, are multiple in number and include such areas as USO Clubs for Black military personnel, organization of the Voters League, NAACP activities including terms as both local and state president, and the Progressive Democratic Association which heralded the employment of Blacks as law enforcement officers; and

WHEREAS, it must be noted that Dr. Nixon's most significant endeavors were those related to the Montgomery Bus Boycott and the organization and founding of the Montgomery Improvement Association; the far-reaching results of these two efforts are historical in consequence and primarily to the credit of Edgar Daniel Nixon, whose greatness was in his humility as others sought and took the limelight of his accomplishments; and

WHEREAS, Dr. Nixon, however, has quietly amassed over 200 awards and certificates of merit from public and private organizations throughout the country and since 1980, the "E. D. Nixon Collection" of papers, books, trophies, plaques, photographs and other memorabilia have become a permanent part of the Alabama State University Archives and he holds the University's Honorary Degree of Doctor of Laws; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we today note with highest honor and regard the outstanding accomplishments of Dr. Edgar Daniel Nixon of Montgomery, Alabama, to whom our nation owes a debt of gratitude and public recognition for achievement extraordinaire, on behalf of the Black citizens of America.

BE IT FURTHER RESOLVED, That Dr. Nixon be presented with a copy of this resolution, tendered in deep appreciation and utmost esteem, and that a copy also be provided for display in the "E. D. Nixon Collection" at Alabama State University.

On motion of Rep. Holmes, the rules were suspended and the resolution, H. J. R. 296, was adopted.

CO-SPONSORS ADDED

The following members were added as co-sponsors to the resolution, H. J. R. 296.

Reps. Brakefield, Bryant, Cosby, Davis, Goodwin, Hall, Horn, Howard, Junkins, Kvalheim, Lauderdale, Melton, Nevett, Newman, Poole, Preuitt, Rains, Reed, Rogers, Scott, Starkey, Thomas Thornton and Tucker.

Also:

By Rep. White (F):

H. J. R. 297. COMMENDING THE CHUCK WAGON GANG AND DESIGNATING THEM ALABAMA'S HONORARY "MINISTERS OF MUSIC."

WHEREAS, the Chuck Wagon Gang, whose gospel songs are the "old favorites" which have stood the test of time, was formed in the mid-thirties by D. P. "Dad" Carter and the three oldest of his nine children; and

WHEREAS, today, some 50 years later, the Chuck Wagon Gang is still in the Carter family and their internationally famous, old-fashioned singing has made the group a living legend; and

WHEREAS, the group's recordings have sold millions of albums and singles throughout the world and, on concert tour, their songs never fail to lift the spirits of their audiences; and

WHEREAS, the Chuck Wagon Gang has made numerous appearances in the State of Alabama, most recently in Pollard on June 12, 1983, delivering the Gospel in song and providing inspiration in the lives and hearts of the citizens of this state; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of their status as "Old Masters" of Gospel music and in appreciation of their appearances throughout our state, presenting the world's greatest story in sacred song, we hereby designate the Chuck Wagon Gang as Alabama's Honorary Ministers of Music.

BE IT FURTHER RESOLVED, That the Chuck Wagon Gang receive a copy of this resolution in small token of our regard and as a memento of this designation in their honor.

On motion of Rep. White (F), the rules were suspended and the resolution, H. J. R. 297, was adopted.

Also:

By Reps. Goodwin, Ashley, Starkey and Coburn:

H. J. R. 298. COMMENDING MISS PAM BATTLES OF MUSCLE SHOALS, MISS ALABAMA FOR 1983.

WHEREAS, it is with utmost pleasure that the Alabama Legislature congratulates Miss Pam Battles of Muscle Shoals upon her selection as Miss Alabama, 1983; and

WHEREAS, the lovely and talented Miss Battles, daughter of Mr. and Mrs. Clifford Battles, is a 21 year-old honor student and senior at the University of North Alabama, majoring in music and mathematics; and

WHEREAS, as first runner-up in last year's competition and successful in her quest for the '83 Crown, Miss Battles is the 4th UNA coed to be named Miss Alabama; her numerous other titles and accomplishments include Miss UNA, Miss Homecoming and Golden Girl hostess, as well as Miss Dixie, her title as a contestant in this year's pageant; and

WHEREAS, Miss Battles, who is as talented as she is beautiful, is an accomplished pianist and vocalist; her talent presentation was a vocal rendition of "Don't Rain on My Parade" from the broadway musical "Funny Girl," and she plans to both sing and play the piano in the Miss America Pageant in September 1983; and

WHEREAS, Miss Alabama, a pianist with the UNA Collegiate Singers, has been playing piano for 17 years and is a part-time music director at two North Alabama churches; she also enjoys sewing and working as a fashion model as well; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most proudly commend Miss Pam Battles of Muscle Shoals and the University of North Alabama as

our new Miss Alabama and our State's representative to the forthcoming Miss America Pageant.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided for Miss Battles that she may be aware of our sincere praise and regard, and of our warm best wishes for every future success.

On motion of Rep. Goodwin, the rules were suspended and the resolution, H. J. R. 298, was adopted.

Also:

By Rep. Parker:

H. J. R. 299. COMMENDING MRS. BERTHA BERRY, NEWLY ELECTED STATE PRESIDENT OF THE ALABAMA JAYCEETTES.

WHEREAS, it is with heartiest congratulations that the Alabama Legislature notes the election on May 28, 1983, of Mrs. Bertha Berry of Hartselle, Alabama, as president of the Alabama Jayceettes; and

WHEREAS, Mrs. Berry's election was held during the state Jaycee-Jayceette Convention in Huntsville, which was attended by some 800 members from throughout Alabama; and

WHEREAS, Mrs. Berry's previous tenure as state individual development vice president marked the first Jayceette statewide office to be held by a black, and she also is the first black ever to serve as the organization's president; and

WHEREAS, Mrs. Berry and her husband, Joe, have both been singularly active in the Jaycee-Jayceettes and, during convention ceremonies, were awarded life memberships for such outstanding service; and

WHEREAS, Mrs. Berry anticipates traveling thousands of miles statewide during her tenure as president, perhaps even doubling the 24,000 miles she traveled this past year in connection with her former official duties; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Mrs. Bertha Berry for outstanding service to the Alabama Jayceettes; we further congratulate her as the organization's new State President and direct that she receive a copy of this resolution in expression of our regard and in admiration of her accomplishments.

On motion of Rep. Parker, the rules were suspended and the resolution, H. J. R. 299, was adopted.

Also:

By Rep. Turnham:

H. J. R. 300. COMMENDING ALABAMA'S ADULT EDUCATORS.

WHEREAS, the Alabama Adult Education Program, a division of the Alabama Department of Education, is charged with the responsibility of expanding educational opportunities for all Alabama Adults, that those who so desire may acquire basic skills, continue their education to the level of completion of secondary school, and/or to secure training that will enable them to become more informed citizens and more employable in the labor market; and

WHEREAS, as a result of Alabama's Adult Basic Education Program,

numerous of our State's undereducated are now productive citizens who no longer require welfare assistance; many have received better paying jobs, promotions or raises; and there are those also who now have passed the GED examination, while still others have become literate through enrollment in this outstanding program; and

WHEREAS, it is to be further noted that Alabama's adult educators will host the Southeastern Regional Adult Education Conference in August 1983 in Birmingham, Alabama; eleven Southeastern States will participate in the conference with approximately 1,000 attending the organization's 7th annual meeting; and

WHEREAS, the Alabama Legislature is pleased to welcome to our State the Southeastern adult educators whom we enthusiastically applaud in appreciation of their accomplishments on behalf of undereducated adults, as well as those who are handicapped and others who seek to become better informed and employable; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Alabama's adult educators; we further welcome the Southeastern Regional Adult Education Conference to our State and direct that our host educators receive a copy of this resolution in small token of our warm praise and regard.

On motion of Rep. Turnham, the rules were suspended and the resolution, H. J. R. 300, was adopted.

Also:

By Reps. Gaston and Kvalheim:

H. J. R. 301. COMMENDING STEVE KITTRELL FOR ACCOMPLISHMENTS IN THE FIELD OF ATHLETICS.

WHEREAS, Steve Kittrell was named District 30, N.A.I.A. Coach of the Year in 1983; and

WHEREAS, he was also named N.A.I.A. Area Tournament Coach of the Year in 1983; and

WHEREAS, Steve Kittrell was named the 1983 Gulf Coast Athletic Conference Coach of the Year; and

WHEREAS, he received a B.S. degree at the University of South Alabama where he played baseball and had a batting average of .368, which is the record for the highest batting average at said University; and

WHEREAS, in recognition of his athletic contributions, the Steve Kittrell Award was established which first such award was presented to Steve Kittrell by the USA Letterman Club for the athlete most inspirational to other athletes at the University of South Alabama; and

WHEREAS, he distinguished himself in the coaching profession while serving as head baseball coach at Niceville High School, U.M.S. Preparatory School and Enterprise State Junior College during the years 1974 to 1983, by compiling a 215-107 won-loss record; and

WHEREAS, he coached U.M.S. to their first state baseball championship and was named Coach of the Year in 1978; and

WHEREAS, at Enterprise State Junior College, Steve Kittrell was named Southeast Division of Alabama Junior Colleges, Coach of the Year in

1980; and

WHEREAS, in 1980, he also received the President's Award by the President of Enterprise State Junior College for outstanding achievements and accomplishments; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body does hereby recognize and commend Steve Kittrell for his outstanding athletic and coaching accomplishments.

BE IT FURTHER RESOLVED, That copies of this resolution be presented to Steve Kittrell, his wife, Carol Nichols Kittrell, and to their children, Stacey Lynn and Scott Steven, in appreciation for his contribution to baseball and his field of athletics in the State of Alabama.

On motion of Rep. Gaston, the rules were suspended and the resolution, H. J. R. 301, was adopted.

Also:

By Reps. Kennedy, Holmes, Howard, Clark, Thomas, Bryant, Tucker, Langford, Thornton, Davis, Rogers, Nevett, Reed, Buskey, Melton, Horn and Escott:

H. J. R. 302. COMMENDING MISS EMMA ALLEN FOR OUTSTANDING SERVICE TO THE ALABAMA LEGISLATIVE BLACK CAUCUS.

WHEREAS, for the past two years, Miss Emma Allen has been associated with the Southern Legislative Research Council; and

WHEREAS, as an intern with the Council, Miss Allen has been charged with responsibilities to monitor committees, subcommittee and floor deliberations; review Legislative proposals of state government departments; review first readings and develop analyses of pending legislation, or proposals, in specified issue areas; and to assist in the preparation of a weekly Legislative Bulletin; and

WHEREAS, during the past two years, Miss Allen has further been of inordinate assistance to the Alabama Legislative Black Caucus and it is with regret that we note her forthcoming departure; and

WHEREAS, she will be leaving, however, to accept a responsible position as coordinator of the Work Incentive Program in Decatur, Alabama, and to implement its program which is designed to aid welfare recipients in gaining employment skills and training to eventually enter the job market in either the public or private sector; and

WHEREAS, Miss Allen, who is a member of the Alabama Democratic Conference, Young Democrats of Alabama and the Alabama A & M Alumni Association, is a graduate of Alabama A & M University with a B.S. Degree, and of the University of Alabama where she earned the B.A. and M.A. Degrees; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we herein express highest commendation of Miss Emma Allen and express our deep appreciation, as well, for her assistance to the Alabama Legislative Black Caucus.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to Miss Allen that she and her parents, Mr. and Mrs. George W.

Allen, may know of our sincere regard and warm best wishes for her every future success.

On motion of Rep. Kennedy, the rules were suspended and the resolution, H. J. R. 302 was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Nevett:

H. R. 303. COMMENDING MR. HENRY L. DOBBINS, PROMINENT ALABAMA EDUCATOR.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 144. CONDEMNING THE IRANIAN PERSECUTION OF MEMBERS OF THE BAHA'I RELIGIOUS FAITH.

Also:

H. J. R. 258. MEMORALIZING THE PRESIDENT AND THE CONGRESS TO PROHIBIT THE IMPORTATION OF STEEL BY THE UNITED STATES STEEL CORPORATION FROM THE BRITISH STEEL CORPORATION.

Also:

H. J. R. 290. TO ESTABLISH A JOINT LEGISLATIVE COMMITTEE TO OVERSEE A SPECIAL AUDIT OF THE TEACHERS' RETIREMENT SYSTEM AND EMPLOYEES' RETIREMENT SYSTEM OF ALABAMA.

And finds same correctly enrolled.

JOHN S. CASEY,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Reps. Howard and Lewis:

H. R. 304. COMMENDING MR. MALCOLM E. LEWIS FOR OUTSTANDING SERVICE TO THE BESSEMER HOUSING AUTHORITY.

SPECIAL ORDER RESUMED

And the bill:

H. 45. Relating to Mobile County; providing that a certain defined portion of additional oil and gas severance tax revenues, including any net funds being held in escrow, designated for Mobile County, collected and distributed to the counties pursuant to Act No. 79-434, H. 148, 1979 Regular Session (Acts 1979, p. 687) and Act No. 80-708, H. 909, 1980 Regular Session (Acts 1980, p. 1438), shall be allocated for the provision of medical care to the medically indigent citizens of Mobile County; and to provide that the provisions of this act shall be construed cumulatively.

Was taken up.

SUBSTITUTE OFFERED

Rep. Turner offered the following substitute to the bill, H. 45:

A BILL
TO BE ENTITLED
AN ACT

Relating to Mobile County; further providing for the distribution and transfer to the General Fund of Mobile County of certain license taxes collected and distributed in accordance with Act No. 162, Acts of Alabama 1963 and Act No. 82-344, Acts of Alabama 1982, which funds are to be designated for the provision of medical care to the medically indigent citizens of Mobile County.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply only in Mobile County and except as in this Act as otherwise provided, shall not have the effect of altering or repealing in any wise any statute now in affect, but shall be in addition to and cumulative of all laws now in effect.

Section 2. The amount of license taxes paid into and collected by the License Commissioner of Mobile County pursuant to Act No. 162, Acts of Alabama 1963 and Act No. 82-344, Acts of Alabama 1982, and for which there is no present legislative authority to distribute such taxes, as the containers of malt or brewed beverages to which the decals are affixed, have neither been sold nor distributed in the area of the respective tax recipient, for whatever reason, shall be distributed to the General Fund of Mobile County, solely for the purpose of and to be designated solely for the provision of medical care to the medically indigent citizens of Mobile County.

Section 3. Notwithstanding any matter contained herein to the contrary, this Act shall not in any way amend, alter or effect the distribution of the net proceeds of the license tax collections for malt or brewed beverages as set forth in Act No. 162, Acts of Alabama 1963, and Act No. 82-344, Acts of Alabama 1982.

Section 4. It is the intention of the Legislature that should any section, sub-section, provision, clause or sentence of this Act or the application thereof to any person or sets of circumstances be held invalid or inoperative the remainder of the Act, outside the portion so held invalid, shall be and remain valid legislation.

Section 5. This Act shall be effective on the day after its passage and approval by the Governor or its otherwise becoming a law.

And the substitute was adopted.

Yeas 30; Nays 0.

Yeas:

Mr. Speaker, Bennett, Blake, Blakeney, Bowling, Bryant, Campbell, Carter, Coburn, Coleman, Dutton, Flowers, Freeman, Grouby, Hall, Kennedy, Lauderdale, Melton, Nevett, Parker, Preuitt, Rice, Scott, Starr, Stout, Tucker, Turner, Turnham, White (L) and Wilson.

—30

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 45. Relating to Mobile County; further providing for the distribution and transfer to the General Fund of Mobile County of certain license taxes collected and distributed in accordance with Act No. 162, Acts of Alabama 1963 and Act No. 82-344, Acts of Alabama 1982, which funds are to be designated for the provision of medical care to the medically indigent citizens of Mobile County.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 21; Nays 1.

Yeas:

Reps. Bennett, Blake, Blakeney, Clikas, Coburn, Coleman, Hall, Harper, Kennedy, Lauderdale, Nicholson, Poole, Preuitt, Rice, Scott, Starr, Tucker, Turner, White (F), White (L) and Wilson.

—21

Nay: Rep. Box. —1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

CO-SPONSORS ADDED

Reps. Kennedy and Buskey were added as co-sponsors to the bill, H. 45.

H. 424 TEMPORARILY POSTPONED

On motion of Rep. Turner, the bill, H. 424 was temporarily postponed.

And the bill:

H. 507. Relating to Lee County; to provide further for the election of the members of the county board of education.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 44; Nays 0.

Yeas:

Mr. Speaker, Biddle, Blake, Blakeney, Brakefield, Bryant, Carter, Casey, Coburn, Coleman, Drinkard, Escott, Faulk, Flowers, Freeman, Grouby, Hall, Hettinger, Johnson (Roy), Junkins, Kennedy, Langford, Lauderdale, McMillan, Melton, Moore, Murphy, Newman, Nicholson, Parker, Penry, Poole, Preuitt, Seibels, Starkey, Starr, Stout, Thomas, Trammell, Tucker, Turner, Turnham, White (L) and Wilson.

—44

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 707. Relating to Clarke County; providing that the Clarke County Commissioners shall serve full time as such officers.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 47; Nays 0.

Yeas:

Mr. Speaker, Bennett, Biddle, Blake, Blakeney, Brakefield, Bryant, Carothers, Carter, Clikas, Coburn, Coleman, Davis, Drinkard, Escott, Faulk, Flowers, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Harper, Hettinger, Horn, Johnson (Roy), Kvalheim, Lauderdale, McMillan, Moore, Murphy, Nicholson, Parker, Penry, Poole, Preuitt, Seibels, Smith, Starkey, Starr, Thomas, Trammell, Tucker, Turner, White (F) and White (L).

—47

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 726. (With Amendment): Proposing an amendment to the Constitution of Alabama levying a certain sales and use tax paralleling state sales and use taxes in Randolph County for public building purposes which shall be pledged to retire a bond issue for such purposes with such sales tax terminating upon such retirement and diverting a portion of certain ad valorem taxes now earmarked for the public road and bridge fund and the county hospital until such bond issue is retired.

Was taken up.

SUBSTITUTE OFFERED

Rep. Laird offered the following substitute to the bill, H. 726 to the pending amendment reported by the Standing Committee on Local Legislation No. 1:

A BILL
TO BE ENTITLED
AN ACT

Proposing an amendment to the Constitution of Alabama levying a certain sales and use tax paralleling state sales and use taxes in Randolph County for public building purposes which shall be pledged to retire a bond or warrant issue for such purposes with such sales tax terminating upon such retirement and diverting a portion of certain ad valorem taxes now earmarked for the public road and bridge fund and the county hospital until such bond or warrant issue is retired.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is proposed, and shall become valid as a part thereof when approved and proclaimed as prescribed by law:

PROPOSED AMENDMENT

There is hereby levied in Randolph County, Alabama a countywide sales and use tax in the amount of one half of one percent which shall parallel all state sales and use taxes now in effect in said county as to applicability, exemptions and manner of collections. This tax shall be paid to and collected by the Alabama Department of Revenue. The net proceeds from such county sales and use tax, less the cost of collection not to exceed five percent paid to the State Department of Revenue, shall be pledged to the retirement of a bond or warrant issue not to exceed one and one half million dollars ($1,500,000.00) that is hereby authorized to finance a public building program in Randolph County. This tax shall become effective the first day of the second month following adoption of this amendment. Upon retirement of such bond or warrant issue, the sales and use taxes levied under the authority of this amendment shall terminate and cease to be collected.

For the further support of the aforementioned public building program, two mills of the four mills property tax now levied and collected in Randolph County for hospital purposes is hereby diverted to the retirement of any bonds or warrants issued under the authority of this amendment to finance a public building program in Randolph County. Provided, however, that when such bonds or warrants have been retired in full, the tax revenues hereby diverted shall again be used for hospital purposes.

Provided further, that one mill of the two and one half mills property tax now levied and collected in Randolph County for the county road and bridge fund is hereby diverted also to the retirement of any bonds or warrants issued under the authority of this amendment to finance a public building program in Randolph County. Provided, however, that when such bonds or warrants have been retired in full, the tax revenues hereby diverted shall again be credited to the county road and bridge fund.

The county commission or other like governing body of Randolph County is hereby authorized to take such action, spread upon its minutes, as shall be necessary to implement the bond or warrant issue authorized herein and to carry out the intent of this amendment.

Section 2. An election upon the proposed amendment is ordered to be held at the next general, special, constitutional or county election in Randolph County after the expiration of three months from final adjournment of the current session of the legislature. The election shall be held in accordance with the provisions of Amendment 425 to the Constitution of 1901

and Sections 17-17-1 through 17-17-6 of the Code of Alabama 1975.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in each newspaper qualified to run legal notices in the county affected.

And the substitute was adopted.

Yeas 81; Nays 0.

Yeas:

Mr. Speaker, Adams, Bennett, Biddle, Blake, Blakeney, Brakefield, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Clikas, Coburn, Coleman, Cosby, Davis, Drinkard, Dutton, Escott, Faulk, Flowers, Gaston, Goodwin, Grimsley, Grouby, Hammett, Harper, Hettinger, Holley, Horn, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McMillan, Martin, Mathis, Melton, Minus, Moore, Murphy, Newman, Nicholson, Parker, Payne, Penry, Poole, Preuitt, Rains, Rice, Richardson, Rogers, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson and Wright.

—81

And the bill:

H. 726. Proposing an amendment to the Constitution of Alabama levying a certain sales and use tax paralleling state sales and use taxes in Randolph County for public building purposes which shall be pledged to retire a bond or warrant issue for such purposes with such sales tax terminating upon such retirement and diverting a portion of certain ad valorem taxes now earmarked for the public road and bridge fund and the county hospital until such bond or warrant issue is retired.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 75; Nays 0.

Yeas:

Mr. Speaker, Adams, Bennett, Biddle, Blake, Brakefield, Browder, Bryant, Buskey, Campbell, Carothers, Carter, Clikas, Coburn, Coleman, Cosby, Davis, Drinkard, Escott, Faulk, Flowers, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Hettinger, Holley, Horn, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kvalheim, Laird, Langford, Lauderdale, Layton, McMillan, Martin, Mathis, Minus, Moore, Murphy, Newman, Nicholson, Parker, Penry, Poole, Preuitt, Rains, Rice, Richardson, Rogers, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson and Wright.

—75

And the bill:

S. 360. Relating only to Lowndes County; to further provide for the distribution of the beer tax levied by Act No. 82-344, H. 165, Regular Session 1982, (Acts 1982, p. 473).

Was read a third time at length and passed.

Yeas 60; Nays 0.

Yeas:

Reps. Bennett, Biddle, Blakeney, Brakefield, Browder, Bryant, Buskey, Carter, Clikas, Coburn, Coleman, Davis, Drinkard, Escott, Faulk, Flowers, Freeman, Goodwin, Grimsley, Hall, Hammett, Harper, Hettinger, Horn, Johnson (A.L.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Langford, Lauderdale, McMillan, Martin, Moore, Nicholson, Parker, Penry, Poole, Preuitt, Rains, Reed, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Trammell, Tucker, Turner, Turnham, White (F), White (L), Williams, Wilson and Zoghby.

—60

And the bill:

H. 729. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Hayden, in Blount County.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 54; Nays 0.

Yeas:

Mr. Speaker, Bennett, Biddle, Blake, Blakeney, Brakefield, Browder, Carter, Clikas, Coburn, Coleman, Drinkard, Dutton, Escott, Faulk, Flowers, Freeman, Gaston, Goodwin, Grimsley, Hall, Hammett, Harper, Hettinger, Horn, Johnson (Roy), Junkins, Kvalheim, Lauderdale, McMillan, Moore, Murphy, Newman, Nicholson, Parker, Penry, Poole, Preuitt, Rains, Rice, Richardson, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Trammell, Tucker, Turner, White (L), Wilson and Zoghby.

—54

And the bill:

H. 748. Relating to Coffee County; providing an expense allowance for members of the county board of education; prescribing the manner of payment; and repealing conflicting laws.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 56; Nays 0.

Yeas:

Mr. Speaker, Bennett, Biddle, Blake, Blakeney, Brakefield, Bryant, Carter, Clikas, Coburn, Coleman, Davis, Drinkard, Dutton, Faulk, Flowers, Freeman, Gaston, Goodwin, Grimsley, Hall, Hammett, Harper, Hettinger, Holley, Horn, Johnson (A.L.), Johnson (Roy), Kennedy, Kvalheim, Langford, Lauderdale, McMillan, Moore, Murphy, Newman, Nicholson, Parker, Penry, Poole, Preuitt, Rains, Rogers, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Trammell, Tucker, Turnham, White (L), Williams and Wilson.

—56

And the bill:

H. 749. (With Amendment): To authorize the Lee County Commission to provide protection of forests from fires, insects, disease and other pests within the county and to assess the whole or a part of the costs thereof, within a prescribed limit, against forest lands in the county and to prescribe the procedure for levying and collecting such assessments.

Was taken up.

The question was then on adoption of the amendment to the bill, H. 749, reported by the Standing Committee on Local Legislation No. 1, said being as follows:

Amend H. B. 749 on Page 1, Section 2, (b), line 28 after the word "any" by adding the word forest

And the amendment was adopted.

Yeas 58; Nays 0.

Yeas:

Mr. Speaker, Bennett, Biddle, Blake, Blakeney, Brakefield, Bryant, Buskey, Carter, Clikas, Coburn, Coleman, Davis, Drinkard, Faulk, Flowers, Freeman, Gaston, Goodwin, Grimsley, Hall, Hammett, Harper, Hettinger, Horn, Johnson (Roy), Junkins, Kennedy, Kvalheim, Langford, Lauderdale, McMillan, Moore, Newman, Nicholson, Owens, Parker, Penry, Poole, Preuitt, Rains, Rice, Richardson, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Trammell, Tucker, Turner, Turnham, Venable, White (L), Williams and Wilson.

—58

And the bill, H. 749, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 63; Nays 0.

Yeas:

Reps. Bennett, Biddle, Blakeney, Box, Brakefield, Bryant, Buskey, Carter, Clikas, Coburn, Coleman, Davis, Drinkard, Dutton, Escott, Flowers, Freeman, Gaston, Goodwin, Grimsley, Hall, Hammett, Harper, Hettinger, Horn, Johnson (Roy), Junkins, Kennedy, Langford, Lauderdale, Layton, Lewis, McMillan, Melton, Moore, Murphy, Newman, Nicholson, Owens, Parker, Penry, Poole, Preuitt, Rains, Rice, Richardson, Rogers, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Trammell, Tucker, Turner, Turnham, Venable, White (L), Williams, Wilson and Zoghby.

—63

And the bill:

H. 753. Relating to Fayette and Lamar County; establishing a district legislative delegation office in such counties; providing for the operation of such office; and prescribing that the county governing body of each county shall pay a monthly expense allowance, from their respective county treasuries, to the house member representing such counties who shall maintain and account for a separate bank account for the operation of such office.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 52; Nays 0.

Yeas:

Mr. Speaker, Bennett, Biddle, Blake, Brakefield, Bryant, Buskey, Carter, Clikas, Coburn, Coleman, Davis, Drinkard, Dutton, Escott, Faulk, Freeman, Gaston, Goodwin, Grimsley, Hall, Hammett, Harper, Hettinger, Horn, Johnson (Roy), Junkins, Kennedy, Kvalheim, Langford, Lauderdale, McMillan, Moore, Nicholson, Parker, Penry, Preuitt, Rains, Rice, Richardson, Scott, Seibels, Smith, Starkey, Starr, Thomas, Trammell, Tucker, Turner, Turnham, White (L) and Wilson.

—52

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 755. To provide that the judge of probate of Pike County shall be compensated on a salary basis and to prescribe the amount of such salary; to provide for employees who shall serve at the pleasure of said judge and to provide for reimbursement of all expenses incurred in the official operation of the office.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 56; Nays 0.

Yeas:

Mr. Speaker, Bennett, Biddle, Blake, Blakeney, Brakefield, Brooks, Bryant, Butler, Carter, Clikas, Coburn, Coleman, Davis, Drinkard, Dutton, Faulk, Flowers, Freeman, Gaston, Goodwin, Grouby, Hammett, Harper, Hettinger, Horn, Johnson (Roy), Junkins, Kennedy, Kvalheim, Langford, Lauderdale, McMillan, Moore, Newman, Owens, Parker, Penry, Poole, Preuitt, Rains, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Starkey, Starr, Stout, Thomas, Trammell, Tucker, Turner, White (L), and Wilson.

—56

S. 292 TEMPORARILY POSTPONED

On motion of Rep. Turner, the bill, S. 292 was temporarily postponed.

And the bill:

H. 746. To authorize and empower the governing body of the city of Montgomery, Alabama to promulgate and enforce minimum standards for the operation of veterinary clinics and animal hospitals.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 60; Nays 0.

Yeas:

Mr. Speaker, Bennett, Biddle, Blake, Blakeney, Brakefield, Brooks, Bryant, Buskey, Carter, Clikas, Coburn, Coleman, Davis, Dutton, Escott, Faulk, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hammett, Harper,

Hettinger, Horn, Johnson (A.L.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Langford, Lauderdale, McMillan, Melton, Moore, Murphy, Newman, Owens, Parker, Penry, Poole, Rains, Rice, Richardson, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Trammell, Tucker, Turner, Warren, White (L), Wilson, and Wright.

—60

S. 272 TEMPORARILY POSTPONED

On motion of Rep. Hall, the bill, S. 272 was temporarily postponed.

And the bill:

H. 760. Relating to Madison County; there is hereby established in Madison County, Alabama, a Special Services Division of the District Attorney's Office of the Twenty-Third Judicial Circuit.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 61; Nays 0.

Yeas:

Mr. Speaker, Bennett, Biddle, Blake, Brakefield, Brooks, Bryant, Buskey, Butler, Carter, Clikas, Coburn, Coleman, Drinkard, Dutton, Escott, Faulk, Flowers, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Hettinger, Horn, Junkins, Kennedy, Kvalheim, Langford, Lauderdale, McMillan, Melton, Moore, Murphy, Newman, Owens, Parker, Penry, Poole, Preuitt, Rains, Rice, Richardson, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Trammell, Tucker, Turner, Venable, Warren, White (L) and Wilson.

—61

And the bill:

H. 342. (With Amendments): To amend Sections 12-17-231 and 12-17-233, Code of Alabama 1975, relating to the Office of Prosecution Services, so as to provide that employees of said office shall be eligible for membership in the state employees' retirement system; to authorize legislative appropriations to the office; and to provide a new provision of law to provide for a conditional appropriation to said office.

Was taken up.

The question was then on the adoption of the amendment #1 reported by the Standing Committee on Ways and Means to the bill, H. 342, said amendment being as follows:

In Section 2, page 2, line 30, delete the words "and for each fiscal year thereafter".

And the amendment was adopted.

Yeas 43; Nays 0.

Yeas:

Mr. Speaker, Bennett, Biddle, Brakefield, Brooks, Butler, Carter, Clark, Clikas, Coleman, Cosby, Drinkard, Dutton, Freeman, Goodwin, Grimsley, Hammett, Hettinger, Holley, Howard, Johnson (A.L.), Johnson (Roy), Kvalheim, Laird, Lauderdale, McMillan, Martin, Minus, Moore, Newman, Nicholson, Owens, Parker, Penry, Poole, Rains, Scott, Smith, Starkey,

Trammell, Tucker, Turner and Waggoner.

—43

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

The question was then on the adoption of the amendment #2 reported by the Standing Committee on Ways and Means to the bill, H. 342 as amended, said amendment being as follows:

Amend House Bill 342 on page 2, line 10 after the word "office" by striking the period and adding the following:

prior to the effective date of this act, provided that the director and each employee shall pay to the secretary-treasurer within one year from the effective date of this act the amount he would have been required to contribute to the Employees' Retirement System for each year of prior service had he been a member, together with 8 percent compounded interest.

And the amendment was adopted.

Yeas 55; Nays 0.

Yeas:

Reps. Adams, Bennett, Biddle, Boles, Bowling, Brakefield, Brooks, Butler, Carter, Clark, Clikas, Coleman, Cosby, Drinkard, Dutton, Escott, Ford, Freeman, Gaston, Goodwin, Hammett, Harper, Hettinger, Holley, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kvalheim, Laird, Lauderdale, Lewis, McMillan, Melton, Minus, Moore, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Rains, Rice, Rogers, Scott, Seibels, Smith, Starkey, Trammell, Tucker, Turner, White (L) and Zoghby.

—55

And the bill, H. 342, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 65; Nays 0.

Yeas:

Mr. Speaker, Adams, Bennett, Biddle, Boles, Bowling, Brakefield, Brooks, Bryant, Buskey, Butler, Carter, Clark, Clikas, Coleman, Cosby, Drinkard, Dutton, Escott, Ford, Freeman, Gaston, Goodwin, Harper, Hettinger, Holley, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kvalheim, Laird, Lauderdale, Lewis, McMillan, Melton, Minus, Moore, Murphy, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Rains, Rice, Richardson, Scott, Seibels, Smith, Starkey, Thomas, Trammell, Tucker, Turner, Venable, Waggoner, Warren, White (L), Wright and Zoghby.

—65

And the bill:

H. 561. To amend Section 36-16-8 of the Code of Alabama 1975, to decrease the frequency of the report of nonconsumable property from every six months to annually.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 72; Nays 0.

Yeas:

Reps. Adams, Bennett, Biddle, Box, Brakefield, Brooks, Bryant, Buskey, Butler, Carter, Clark, Clikas, Coleman, Cosby, Davis, Drinkard, Dutton, Faulk, Flowers, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hammett, Harvey, Holley, Horn, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Lewis, McKee, McMillan, Melton, Minus, Moore, Murphy, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Rains, Reed, Rice, Richardson, Scott, Seibels, Smith, Starkey, Starr, Thomas, Thornton, Trammell, Tucker, Turner, Turnham, Venable, Warren, White (L), Wilson, Wright and Zoghby.

—72

And the bill:

H. 562. To amend Section 41-1-6 of the Code of Alabama 1975, so as to decrease the frequency of the report of nonconsumable personal property, from every six months to annually.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 77; Nays 0.

Yeas:

Mr. Speaker, Adams, Bennett, Biddle, Bowling, Box, Brakefield, Brooks, Bryant, Buskey, Butler, Carothers, Carter, Clark, Clikas, Coleman, Cosby, Davis, Dutton, Escott, Faulk, Flowers, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hammett, Harper, Holley, Horn, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Lewis, McKee, McMillan, Mathis, Melton, Minus, Moore, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Scott, Seibels, Smith, Starkey, Starr, Thomas, Thornton, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Warren, White (L), Wilson and Wright.

—77

And the bill:

H. 671. Relating to the Alabama Space Science Exhibit Commission, to amend section 41-9-430, section 41-9-432 and section 41-9-435 of the Code of Alabama 1975 in order to empower the Alabama Space Science Exhibit Commission to construct and acquire or lease lodging facilities including parking facilities and facilities for meetings therein, for use by visitors to the commission's permanent exhibit, and to provide for the issuance by the commission of revenue bonds to finance such facilities, and describe and provide for the security therefor.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 75; Nays.

Yeas:

Mr. Speaker, Albright, Bennett, Biddle, Bowling, Box, Brakefield, Brooks,

Bryant, Buskey, Butler, Carothers, Carter, Casey, Clark, Clikas, Coleman, Cosby, Davis, Dutton, Faulk, Flowers, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hammett, Harper, Holley, Horn, Johnson (A.L.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Langford, Lauderdale, Lewis, McKee, McMillan, Mathis, Melton, Minus, Moore, Murphy, Newman, Nicholson, Owens, Parker, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Scott, Seibels, Smith, Starkey, Starr, Thomas, Thornton, Trammell, Tucker, Turner, Turnham, Venable, Warren, White (L), Wilson, Wright and Zoghby.

—75

And the bill:

H. 708. To amend Section 40-12-176, Code of Alabama 1975, which levies a tax on vending machines, so as to exclude coin-operated laundry machines from the imposition of the tax.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 82; Nays 0.

Yeas:

Mr. Speaker, Adams, Bennett, Biddle, Blake, Blakeney, Bowling, Box, Brakefield, Bryant, Buskey, Carothers, Carter, Casey, Clark, Clikas, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Gaston, Goodwin, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Horn, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, McMillan, Martin, Mathis, Melton, Moore, Murphy, Newman, Nicholson, Owens, Payne, Penry, Poole, Preuitt, Rains, Reed, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thornton, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Warren, White (L), Williams, Wilson, Wright and Zoghby.

—82

CO-SPONSORS ADDED

The following members were added as co-sponsors to the bill, H. 708.

Reps. Adams, Bennett, Blake, Bowling, Brakefield, Buskey, Butler, Carothers, Carter, Clark, Coleman, Cosby, Davis, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Holmes, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Layton, McKee, McMillan, Martin, Mathis, Melton, Moore, Murphy, Newman, Nicholson, Owens, Payne, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Warren, White (L), Williams, Wright and Zoghby.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Carothers, the rules were suspended in order to take up out of order the bill, S. 245.

And the bill:

S. 245. Relating to Class 5 municipalities of this state; to authorize referendum elections which must be held on the same date as regular mu-

nicipal elections to require either the adoption or repeal of a canine leash ordinance by the municipal governing body within 90 days following any such referendum election.

Was read a third time at length and passed.

Yeas 54; Nays 0.

Yeas:

Reps. Albright, Bennett, Blake, Blakeney, Bowling, Brakefield, Bryant, Butler, Carothers, Carter, Clikas, Coburn, Coleman, Crow, Drinkard, Dutton, Escott, Flowers, Ford, Gaston, Grimsley, Grouby, Hall, Hammett, Harper, Hettinger, Horn, Johnson (A.L.), Johnson (Roy), Junkins, Kvalheim, Lauderdale, McKee, Martin, Mathis, Newman, Parker, Payne, Poole, Preuitt, Reed, Richardson, Sasser, Seibels, Starkey, Starr, Tucker, Turner, Venable, Warren, White (L), Williams, Wilson and Wright.

—54

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators deGraffenried and Robertson:

S. J. R. 198. NAMING THE CHAMPIONSHIP ATHLETIC FIELD AT MUNNY SOKOL PARK IN TUSCALOOSA, ALABAMA, THE "DANNY C. MORRISON FIELD."

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Johnson (Roy), the rules were suspended and the House concurred in and adopted the resolution S. J. R. 198, the title of which is set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 514. To propose an amendment to the Constitution of Alabama of 1901, so as to authorize Conecuh County to establish annual motor vehicle license taxes and registration fees and ad valorem taxes on certain motor vehicles.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Warren, the House concurred in and adopted the Senate Amendment to the bill, H. 514, said amendment being as follows:

Amend House Bill 514, page 1, line 34 after the word "all" by inserting the following:

"Conecuh County"

Further amend House Bill 514, page 1, line 36 after the word "trucks" by deleting the remainder of said line and inserting in lieu thereof the following:

", truck-tractors, trailers and semitrailers located within the county".

Yeas 59; Nays 0.

Yeas:

Mr. Speaker, Bennett, Blake, Blakeney, Bowling, Brakefield, Brooks, Bryant, Butler, Carter, Casey, Clikas, Coleman, Cosby, Crow, Dutton, Escott, Flowers, Gaston, Goodwin, Grimsley, Grouby, Hammett, Harper, Holley, Johnson (A.L.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, McKee, McMillan, Martin, Newman, Nicholson, Owens, Parker, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Sasser, Seibels, Starkey, Starr, Tucker, Turner, Turnham, Waggoner, Warren, White (L), Williams, Wright and Zoghby.

—59

And the bill, H. 514 as thus amended, was again read at length and passed.

Yeas 63; Nays 0.

Yeas:

Mr. Speaker, Bennett, Biddle, Blake, Blakeney, Brakefield, Brooks, Bryant, Butler, Carter, Casey, Clikas, Coleman, Cosby, Crow, Flowers, Ford, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Hettinger, Holley, Horn, Johnson (A.L.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Langford, Lauderdale, McKee, McMillan, Martin, Minus, Moore, Newman, Nicholson, Owens, Parker, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Seibels, Starkey, Starr, Stout, Trammell, Tucker, Turner, Turnham, Venable, Warren, White (L), Williams and Zoghby.

—63

And the bill:

S. 292. To amend the title and Section 4 of Act No. 81-1168, H. 95, of the Third Special Session of 1981 (Special Sessions Acts, 1981, p. 452), relating to the compensation and clerical assistance for the tax assessor and tax collector of Escambia County, Alabama, so as to provide further for such compensation and to provide for certain expense reimbursement for such tax assessor and tax collector and the employees of these offices and to provide for retroactive effect to October 1, 1982.

Was read a third time at length and passed.

Yeas 71; Nays 0.

Yeas:

Mr. Speaker, Bennett, Biddle, Blake, Blakeney, Bowling, Brakefield, Brooks, Bryant, Butler, Carter, Casey, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drinkard, Dutton, Escott, Flowers, Ford, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Hettinger, Horn, Johnson (A.L.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Lauderdale, Layton, McKee, McMillan, Martin, Melton, Minus, Moore, Newman, Nicholson, Owens, Parker, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Seibels, Starkey, Starr, Stout, Thomas, Tucker, Turner, Turnham, Venable,

Warren, White (F), White (L), Williams, Wright and Zoghby.

—71

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Senator Teague:

S. 484. To make an additional appropriation for salaries and other expenses of the legislature for the fiscal year ending September 30, 1983.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 484. Ways and Means.

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the within House Bills and House Joint Resolutions hereinafter mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 2:45 P.M. on June 21, 1983.

H. J. R. 254

H. J. R. 283

H. J. R. 286

H. 95

H. 128

H. 304

Delivered to the Governor at 4:15 P.M. on June 21, 1983.

H. J. R. 144

H. J. R. 258

H. J. R. 290

JOHN W. PEMBERTON,
Clerk.

ADJOURNMENT

On motion of Rep. Holley and pursuant to the resolution, H. R. 294 heretofore adopted, the House adjourned until 3:00 o'clock p.m., Wednesday, June 22, 1983.

TWENTIETH DAY

House of Representatives
Montgomery, Alabama
Wednesday, June 22, 1983

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Rev. R. Lawson Bryan, Pastor, Dexter Avenue Methodist Church, Montgomery, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

—105

A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the 19th legislative day and finds the same to be correct.

JOHN CASEY,
Chairman.

MOTION TO SUSPEND RULES LOST

The motion offered by Rep. Casey to suspend the rules in order to dispense with the reading at length of the Journal of the House for the nineteenth legislative day, and to adopt the Report of the Standing Committee on Rules, was lost, lacking a four-fifths vote.

Yeas 57; Nays 34.

Yeas:

Mr. Speaker, Adams, Albright, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Browder, Bryant, Campbell, Carter, Casey, Coburn, Coleman, Cosby, Davis, Drinkard, Dutton, Flowers, Ford, Goodwin, Hall, Hammett, Harvey, Holley, Holmes, Horn, Howard, Johnson (A.L.), Johnson (Roy), Laird, Langford, Lauderdale, Layton, Lewis, Manley, Martin, Melton, Minus, Mitchell, Moore, Murphy, Parker, Poole, Preuitt, Rains, Sasser,

Seibels, Smith, Stout, Thornton, Trammell, Tucker, Turnham and Warren.

—57

Nays:

Reps. Ashley, Blakeney, Box, Brooks, Buskey, Butler, Carothers, Clark, Clikas, Crow, Escott, Freeman, Gaston, Harper, Hettinger, Johnson (R.G.), Kennedy, Kvalheim, McMillan, Nicholson, Payne, Penry, Rice, Richardson, Scott, Starkey, Starr, Thomas, Turner, Waggoner, White (F), White (L), Wilson and Zoghby.

—34

READING OF THE JOURNAL

The Speaker directed the Clerk to read the Journal of the House for the nineteenth legislative day, and the reading commenced.

READING OF THE JOURNAL COMPLETED

JOURNAL APPROVED

On motion of Rep. Holley, the report of the Standing Committee on Rules was concurred in and adopted, and the Journal of the House for the nineteenth legislative day, was approved.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 514. To propose an amendment to the Constitution of Alabama of 1901, so as to authorize Conecuh County to establish annual motor vehicle license taxes and registration fees and ad valorem taxes on certain motor vehicles.

And finds same correctly enrolled.

JOHN S. CASEY,
Chairman.

SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

RESOLUTION

The following resolution was introduced:

By Rep. Johnson (Roy):

H. R. 305. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That when we adjourn today, Wednesday, June 22, 1983, we adjourn to meet again on Thursday, June 23, 1983, at 10:00 a.m.

On motion of Rep. Johnson (Roy), the rules were suspended and the resolution, H. R. 305, was adopted.

NOTICE IN WRITING FILED

Rep. White (L) filed the followin Notice in Writing:

Notice is hereby given that on the next Legislative Day, a motion will be made directing the Local Legislation No. 1 Committee to report to this body, House Bill 725, as provided for in Rule 49 of the House Rules.

BILLS ON SECOND READING

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 587. To make an appropriation from the State General Fund for the relief of John W. Bailey who contracted Histoplasmosis in line of duty and was forced to retire from employment with the State of Alabama.

H. 84. Relating to Jefferson County, City of Birmingham and the State of Alabama; providing further for an additional expense allowance of the two (2) Associate Board Members of the Jefferson County Board of Equalization and Adjustments, payable from the general funds of Jefferson County, from the general funds of the City of Birmingham and from the general funds of the State of Alabama; providing for an expiration date; to make the provisions of this Act retroactive to June 1, 1982.

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 462. (With Substitute): Relating to exemptions from the payment of state and local ad valorem taxes, so as to exempt the Presbyterian Apartments of Birmingham, Incorporated, and the Presbyterian Homes of Decatur, Incorporated, from the payment of all such state and local taxes, effective October 1, 1983.

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 578. (With Amendments): To amend further Code of Alabama 1975, § 32-5-313, relating to a penalty for a traffic infraction so as to increase the amount of the penalty and provide that the additional amount to be used to fund courses of instruction in the driving of trucks.

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 526. To provide that certain county officers and employees who belong to the state retirement system, who are deemed blind, shall be entitled to a minimum retirement benefit allowance.

H. 765. To appropriate $10,000 from the general fund to the Department of Public Health for the purchase of rubella vaccine to be administered for the purpose of preventing birth defects; to grant immunity to pub-

lic employees administering such vaccine; and to authorize the charging of fees for such immunizations.

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 742. (With Amendment): To amend Section 2 of Act No. 83-161 of the 1983 Second Special Session so as to carry over Board of Heating and Air Conditioning Contractors funds into subsequent state fiscal years.

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 601. To amend Act No. 1158, S. 866, Regular Session 1969 (Acts 1969, p. 2163), which provides for the office of public defender in certain judicial circuits having a certain minimum state penitentiary population, so as to provide that each county having such a minimum state penitentiary population within each such circuit shall have a public defender; to provide that the governor shall appoint any such public defender for any vacancy occurring prior to the general election of 1984; and to provide that at the 1984 general election and every four years thereafter, a public defender shall be elected.

H. 204. To amend section 11-88-6, Code of Alabama 1975, which provides for boards of directors of county and municipal water, sewer and fire protection authorities, so as to provide further for the maximum amounts paid to such board members and chairmen for their meetings.

H. 311. To amend Section 36-27-15.2, Code of Alabama 1975, which provides for the granting of creditable service in the retirement systems of Alabama for service out-of-state, so as to provide for the transfer from the teachers' retirement system to the employees' retirement system and vice versa.

S. 484. To make an additional appropriation for salaries and other expenses of the legislature for the fiscal year ending September 30, 1983.

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 216. (With Amendment): To reopen the Teachers' and Employees' Retirement Systems of Alabama for certain service and certain military service; to provide that as a prerequisite to obtaining such credit, said members must be active and contributing members of the Employees' Retirement System of Alabama or the Teachers' Retirement System of Alabama; and provided further that such member has completed at least 10 years of creditable service, and to provide that this Act shall take effect October 1, 1983.

Rep. Blake, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 361. To amend sections 8-17-210, 8-17-211, 8-17-217, 8-17-218, 8-17-221, 8-17-222, 8-17-224 and 8-17-225, Code of Alabama 1975, which provide for the regulation of fireworks in Alabama, so as to revise the definition of "retailer" to include provisions for seasonal retailers; to revise the definition of "distributor" to include provisions for all persons making sales of fireworks for resale; to require all permits to be displayed; to require persons shipping fireworks within the state to apply for permits; to prohibit mail order sales of fireworks; to provide further for permit fees and the distribution of proceeds therefrom; to provide further for the prohibition of the sale of certain fireworks; to provide further for the display of fireworks; to prohibit sales of fireworks to persons under 16; and to provide for the sale of confiscated fireworks.

S. 250. Relating to persons in the employment of the state and the right of such persons to participate in political activities and the improper use of position to influence votes or political actions; amending Sections 17-1-7 and 36-26-38, Code of Alabama 1975, relating to political activities of public employees, the prohibition of such political activities; and the improper use of official authority or position for political purposes, so as to prescribe that persons in the employment of the state shall have the same political rights as other citizens of the state and to prohibit such employee using state property or state time to promote such activities; and providing further for the prohibition of certain political activities and the improper use of official authority or position.

S. 40. To establish a procedure for the filling of vacancies in the state merit system by certain employees who are terminated from employment by means of a lay off.

S. 306. To amend Sections 41-4-134, 41-4-136 and 41-4-139 of the Code of Alabama 1975, which relate to state printing, so as to provide further for the printing of the Legislative Acts and the Journals of the House and the Senate.

S. 93. Relating to the state merit system; amending Section 36-26-5, Code of Alabama 1975, relating to the composition of the state personnel board, so as to provide further for its composition, and amending Section 36-26-27, Code of Alabama 1975, which provides for the disciplining and dismissals of employees in the state classified service so as to provide further for such procedures.

Rep. Horn, Chairman of the Standing Committee on Constitution and Elections, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 792. Proposing a constitutional amendment to authorize the governing body of Jefferson County to create sewer improvement districts, and to levy ad valorem taxes thereon, subject to the approval of the electors therein or 60 percent of the property owners by area and by assessed valuation.

The above bill was read a second time at length as required by the Constitution.

Rep. Smith, Chairman of the Standing Committee on Agriculture and Forestry, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 690. (With Substitute): To require the Alabama Department of Conservation and Natural Resources to enter into an agreement with the U.S. Forest Service to expand the boundaries of the existing Black Warrior Wildlife Management Area and then divide the expanded area along State Highway 33 so as to establish two state wildlife management areas lying in the counties of Lawrence and Winston.

Rep. Carter, Chairman of the Standing Committee on Natural Resources, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 622. (With Substitute): To amend Sections 9-11-244 and 9-11-245 of the Code of Alabama 1975, relating to the taking of protected birds or animals so as to further regulate and prohibit the use of any poison or chemical for the purpose of taking such animals; to provide penalties for violations; and to provide for the revocation of any fur catchers license privileges for violations.

Rep. Manley, Chairman of the Standing Committee on Banking, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 656. (With Substitute): To provide for charges that may be made for bad checks given in payment to lenders of money or extenders of credit; to provide that such charges shall not be deemed interest, finance or other charges that are limited or restricted by law; to provide that this Act shall be included in the Code of Alabama 1975 as Section 8-8-15 of said Code.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bills and Senate Joint Resolutions, your signature thereto is requested:

S. 245. Relating to Class 5 municipalities of this state; to authorize referendum elections which must be held on the same date as regular municipal elections to require either the adoption or repeal of a canine leash ordinance by the municipal governing body within 90 days following any such referendum election.

Also:

S. 292. To amend the title and Section 4 of Act No. 81-1168, H. 95, of the Third Special Session of 1981 (Special Sessions Acts, 1981, p. 452), relating to the compensation and clerical assistance for the tax assessor and tax collector of Escambia County, Alabama, so as to provide further for such compensation and to provide for certain expense reimbursement for such tax assessor and tax collector and the employees of these offices and to provide for retroactive effect to October 1, 1982.

Also:

S. 360. Relating only to Lowndes County; to further provide for the distribution of the beer tax levied by Act No. 82-344, H. 165, Regular Session 1982, (Acts 1982, p. 473).

Also:

S. J. R. 198. NAMING THE CHAMPIONSHIP ATHLETIC FIELD AT MUNNY SOKOL PARK IN TUSCALOOSA, ALABAMA, THE "DANNY C. MORRISON FIELD."

McDOWELL LEE,
Secretary.

SIGNING OF SENATE BILLS AND SENATE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Bills and Senate Joint Resolution, the titles of which are set out in the above and foregoing Message from the Senate.

RESOLUTIONS

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Reed:

H. R. 306. COMMENDING MAYOR JOHNNY FORD OF TUSKEGEE, ALABAMA.

Also:

By Rules Committee:

H. R. 307. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That the following business in the order named be made the special, paramount and continuing order of business beginning June 22, 1983, taking precedence over any other business of the House.

Report of Standing Committees

Introduction of Bills and Resolutions

Uncontested Local Bills

Unfinished Business

And the Following Bills:

By Mr. Casey:

H. 247 p. 23 University of South Alabama, land patent

By Mr. Turner:

H. 675 p. 114 Co-generation bill

This bill shall become the paramount order of business at 7:00 p.m. on the 20th Legislative Day, providing House Bill 247 has been disposed of.

By Mr. Biddle:

H. 110 p. 33 Real Estate Commission

By Mr. Dutton:

H. 691 p. 126 Absentee ownership, lands

By Mr. Drinkard:

H. 373 p. 117 Homestead provision

By Mr. Coleman:

H. 450 p. 81 Time sharing facilities

By Mr. Smith:

H. 387 p. 102 Notification bill, pardons and paroles

By Mr. Turnham:

H. 354 p. 49 Supernumerary, tax assessors/collectors

By Mr. Crow:

H. 301 p. 42 Fishing licenses, 65 years old, older

By Mr. Campbell:

H. 313 p. 54 Sale of abandoned motor vehicles

By Mr. Stout:

H. 94 p. 108 Veteran funerals

By Mr. Grouby:

H. 305 p. 101 Forestry bill

By Mr. White (L):

H. 174 p. 16 Water works sewer board

By Mr. Turnham:

H. 233 p. 52 Certificate title bill

By Mr. Adams:

H. 227 p. 46 Prison reimbursement

By Mr. Langford:

H. 540 p. 51 Surveyors

By Mr. Owens:

H. 215 p. 3 State personnel board

By Mr. Langford:

H. 649 p. 111 ASU, trustees

By Mr. Albright:

H. 126 p. 14 Commission of Labor/lay-offs, workers etc.

By Mr. Martin:

H. 230 p. 104 Good Samaritan Law, hazardous materials

By Mr. Martin:

H. 231 p. 10 Special permits, oversized loads

By Mr. Coleman:

H. 612 p. 67 Housing Authority

By Mr. Wilson:

H. 461 p. 87 State employees retirement

By Mr. Ford:

H. 496 p. 84 Small loans

By Mr. Bennett:

H. 165 p. 22 Credit unions

By Mr. Mitchell:

H. 494 p. 58 Funeral Homes

By Mr. Turner:

H. 675 p. 114 Co-generation

By Mr. Buskey:

H. 152 p. 118 Adult adoptions

By Mr. Melton:

H. 537 p. 127 Continuing education, hearing aids

By Mr. Smith:

H. 575 p. 133 Corporate officers, Workmens comp

By Mr. Layton:

H. 574 p. 68 Senior Citizens Hall of Fame

By Mr. White (L):

H. 681 p. 139 Third Party Prescriptions

By Mr. Turner:

H. 758 p. 142 Bond issue, sewers

By Mr. Langford:

H. 402 p. 27 Political rights, employees

By Mrs. Zoghby:

H. 693 p. 126 Capitol renovation

By Mr. Hettinger:

H. 27 p. 121 Teachers

By Mr. Brooks:

H. 630 p. 107 Windshields, motor vehicles

By Mr. Wilson:

H. 329 p. 20 Mobile homes

By Mr. Biddle:

H. 722 p. 130 Health Advisory

By Mr. Boles:

H. 307 p. 105 Child support

By Mr. Bennett:

H. 344 p. 39 School trustees

By Mr. Harper:

H. 63 p. 39 Bait bill

By Mr. Gaston:

H. 529 p. 92 State fire marshalls

By Mr. Manley:

H. 624 p. 118 Controlled drugs

SUBSTITUTE OFFERED

Rep. Turner offered the following substitute to the resolution.

H. R. 307. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That the following business in the order named be made the special, paramount and continuing order of business beginning June 22, 1983, taking precedence over any other business of the House.

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Unfinished Business

And the Following Bills:

By Mr. Turner:

H. 675 p. 114 Co-generation bill

By Mr. Biddle:

H. 110 p. 33 Real Estate Commission

By Mr. Dutton:

H. 691 p. 126 Absentee ownership, lands

By Mr. Drinkard:

H. 373 p. 117 Homestead provisions

By Mr. Coleman:

H. 450 p. 81 Time sharing facilities

By Mr. Smith:

H. 387 p. 102 Notification bill, pardons and paroles

By Mr. Turnham:

H. 354 p. 49 Supernumerary, tax assessors/collectors

By Mr. Crow:

H. 301 p. 42 Fishing licenses, 65 years old, older

By Mr. Campbell:

H. 313 p. 54 Sale of abandoned motor vehicles

By Mr. Stout:

H. 94 p. 108 Veteran funerals

By Mr. Grouby:
H. 305 p. 101 Forestry bill
By Mr. White:
H. 174 p. 16 Water works sewer board
By Mr. Turnham:
H. 233 p. 52 Certificate title bill
By Mr. Adams:
H. 227 p. 46 Prison reimbursement
By Mr. Langford:
H. 540 p. 51 Surveyors
By Mr. Owens:
H. 215 p. 3 State personnel board
By Mr. Langford:
H. 649 p. 111 ASU, trustees
By Mr. Albright:
H. 126 p. 14 Commission of Labor/lay-offs, workers etc.
By Mr. Martin:
H. 230 p. 104 Good Samaritan Law, hazardous materials
By Mr. Martin:
H. 231 p. 10 Special permits, oversized loads
By Mr. Coleman:
H. 612 p. 67 Housing Authority
By Mr. Wilson:
H. 461 p. 87 State employees retirement
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By Mr. Bennett:
H. 165 p. 22 Credit unions
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H. 152 p. 118 Adult adoptions
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H. 537 p. 127 Continuing education, hearing aids

By Mr. Smith:

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H. 402 p. 27 Political rights, employees

By Mrs. Zoghby:

H. 693 p. 126 Capitol renovation

By Mr. Hettinger:

H. 27 p. 121 Teachers

By Mr. Brooks:

H. 630 p. 107 Windshields, motor vehicles

By Mr. Wilson:

H. 329 p. 20 Mobile homes

By Mr. Biddle:

H. 722 p. 130 Health Advisory

By Mr. Boles:

H. 307 p. 105 Child support

By Mr. Bennett:

H. 344 p. 39 School trustees

By Mr. Harper:

H. 63 p. 39 Bait bill

By Mr. Gaston:

H. 529 p. 92 State fire marshalls

By Mr. Manley:

H. 624 p. 118 Controlled drugs

By Mr. Casey:

H. 247 p. 23 University of South Alabama

SUBSTITUTE TABLED

On motion of Rep. Casey, the substitute offered by Rep. Turner to the resolution, H. R. 307, was tabled.

Yeas 44; Nays 41.

Yeas:

Mr. Speaker, Adams, Bennett, Biddle, Blake, Bowling, Brakefield, Bryant, Casey, Coburn, Coleman, Davis, Drinkard, Dutton, Flowers, Ford, Goodwin, Hammett, Harvey, Holley, Holmes, Horn, Howard, Johnson (Roy), Junkins, Laird, Langford, Minus, Mitchell, Moore, Newman, Nicholson, Parker, Poole, Preuitt, Rains, Richardson, Sasser, Smith, Thornton, Trammell, Turnham, Venable and Warren.

—44

Nays:

Reps.: Ashley, Blakeney, Box, Brooks, Buskey, Butler, Campbell, Carothers, Clark, Clikas, Cosby, Escott, Faulk, Freeman, Gaston, Harper, Johnson (A.L.), Johnson (R.G.), Kennedy, Kvalheim, Lauderdale, McMillan, Manley, Mathis, Murphy, Nevett, Owens, Penry, Reed, Rice, Rogers, Scott, Starr, Thomas, Turner, Waggoner, White (F), White (L), Wilson, Wright and Zoghby.

—41

SUBSTITUTE OFFERED

Rep. Box offered the following substitute to the resolution, H. R. 307:

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By Mr. Adams:

H. 227 p. 46 Prison reimbursement

By Mr. Langford:

H. 540 p. 52 Surveyors

By Mr. Owens:

H. 215 p. 3 State personnel board

By Mr. Langford:

H. 649 p. 111 ASU, trustees

By Mr. Albright:

H. 126 p. 14 Commission of Labor/lay-offs, workers etc.

By Mr. Martin:

H. 230 p. 104 Good Samaritan Law, hazardous materials

By Mr. Martin:

H. 231 p. 10 Special permits, oversized loads

By Mr. Coleman:

H. 612 p. 67 Housing Authority

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H. 461 p. 87 State employees retirement

By Mr. Ford:

H. 496 p. 84 Small loans

By Mr. Casey:

H. 247 p. 23 University of South Alabama, land patent

By Mr. Bennett:

H. 165 p. 22 Credit unions

By Mr. Mitchell:

H. 494 p. 58 Funeral Homes

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H. 537 p. 127 Continuing education, hearing aids

By Mr. Smith:

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H. 574 p. 68 Senior Citizens Hall of Fame

By Mr. White (L):

H. 681 p. 139 Third Party Prescriptions

By Mr. Turner:

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By Mr. Langford:

H. 402 p. 27 Political rights, employees

By Mrs. Zoghby:

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By Mr. Hettinger:

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H. 344 p. 39 School trustees

By Mr. Harper:

H. 63 p. 39 Bait bill

By Mr. Gaston:

H. 529 p. 92 State fire marshalls

By Mr. Manley:

H. 624 p. 118 Controlled drugs

SUBSTITUTE TABLED

On motion of Rep. Casey, the substitute offered by Rep. Box to the resolution, H. R. 307, was tabled.

Yeas 51; Nays 41.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Biddle, Blake, Bowling, Brakefield, Bryant, Casey, Coburn, Coleman, Cosby, Davis, Drinkard, Dutton, Flowers, Ford, Goodwin, Hall, Hammett, Harvey, Holley, Holmes, Horn, Johnson (Roy), Junkins, Laird, Langford, Lauderdale, Martin, Melton, Minus, Mitchell, Moore, Newman, Nicholson, Owens, Parker, Poole, Preuitt, Rains, Rogers, Sasser, Smith, Starkey, Thornton, Trammel, Turnham and Venable.

—51

Nays:

Reps.: Blakeney, Box, Brooks, Buskey, Butler, Campbell, Carothers, Clark, Clikas, Escott, Gaston, Grouby, Harper, Howard, Johnson (A.L.), Johnson (R.G.), Kennedy, Kvalheim, Lewis, McKee, McMillan, Manley, Murphy, Nevett, Payne, Penry, Reed, Rice, Richardson, Scott, Starr, Thomas, Tucker, Turner, Waggoner, Warren, White (F), White (L), Wilson, Wright and Zoghby.

—41

MOTION TO ADJOURN LOST

The motion offered by Rep. Turner that the House adjourn, was lost.

Yeas 39; Nays 52.

Yeas:

Reps.: Adams, Box, Buskey, Campbell, Clark, Clikas, Davis, Escott, Gaston, Hammett, Harper, Howard, Johnson (A. L.), Johnson (R. G.), Kennedy, Kvalheim, Layton, Lewis, McKee, McMillan, Manley, Melton, Minus, Nevett, Payne, Preuitt, Rice, Rogers, Scott, Starr, Thomas, Tucker, Turner, Waggoner, White (F), White (L), Wilson, Wright and Zoghby.

—39

Nays:

Mr. Speaker, Albright, Ashley, Bennett, Biddle, Blake, Bowling, Brakefield, Bryant, Butler, Carter, Casey, Coburn, Coleman, Cosby, Crow, Drinkard, Dutton, Ford, Goodwin, Grimsley, Grouby, Hall, Harvey, Hettinger, Holley, Holmes, Horn, Johnson (Roy), Junkins, Laird, Langford, Lauderdale, Martin, Moore, Murphy, Newman, Nicholson, Owens, Parker, Penry, Poole, Rains, Richardson, Smith, Starkey, Thornton, Trammell, Turnham, Venable, Warren and Williams.

—52

H. R. 307 RESUMED

Rep. Buskey offered the following substitute to the resolution, H. R. 307:

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By Mr. Drinkard:

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By Mr. Coleman:

H. 450 p. 81 Time sharing facilities

By Mr. Smith:

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H. 301 p. 42 Fishing licenses, 65 years old, older

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H. 313 p. 54 Sale of abandoned motor vehicles

By Mr. Stout:

H. 94 p. 108 Veteran funerals

By Mr. Grouby:

H. 305 p. 101 Forestry bill

By Mr. White (L):

H. 174 p. 16 Water works sewer board

By Mr. Turnham:

H. 233 p. 52 Certificate title bill

By Mr. Adams:

H. 227 p. 46 Prison reimbursement

By Mr. Langford:

H. 540 p. 51 Surveyors

By Mr. Owens:

H. 215 p. 3 State personnel board

By Mr. Langford:

H. 649 p. 111 ASU, trustees

By Mr. Albright:

H. 126 p. 14 Commission of Labor/lay-offs, workers etc.

By Mr. Martin:

H. 230 p. 104 Good Samaritan Law, hazardous materials

By Mr. Martin:

H. 231 p. 10 Special permits, oversized loads

By Mr. Coleman:

H. 612 p. 67 Housing Authority

By Mr. Wilson:

H. 461 p. 87 State employees retirement

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H. 496 p. 84 Small loans

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H. 165 p. 22 Credit unions

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H. 494 p. 58 Funeral Homes

By Mr. Turner:

H. 675 p. 114 Co-generation

By Mr. Buskey:

H. 152 p. 118 Adult adoptions

By Mr. Melton:

H. 537 p. 127 Continuing education, hearing aids

By Mr. Smith:

H. 575 p. 133 Corporate officers, Workmens comp

By Mr. Layton:

H. 574 p. 68 Senior Citizens Hall of Fame

By Mr. White (L):

H. 681 p. 139 Third Party Prescriptions

By Mr. Turner:

H. 758 p. 142 Bond issue, sewers

By Mr. Langford:

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H. 307 p. 105 Child support

By Mr. Bennett:

H. 344 p. 39 School trustees

By Mr. Harper:

H. 63 p. 39 Bait bill

By Mr. Gaston:

H. 529 p. 92 State fire marshalls

By Mr. Manley:

H. 624 p. 118 Controlled drugs

SUBSTITUTE TABLED

On motion of Rep. Johnson (Roy), the substitute offered by Rep. Buskey to the resolution, H. R. 307, was tabled.

Yeas 63; Nays 32.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Biddle, Blake, Bowling, Brakefield, Browder, Bryant, Campbell, Casey, Coburn, Coleman, Crow, Davis, Drinkard, Dutton, Faulk, Flowers, Ford, Goodwin, Hall, Hammett, Harvey, Holley, Holmes, Horn, Johnson (R. G.), Johnson (Roy), Junkins, Laird, Langofrd, Lauderdale, Layton, Lewis, Manley, Martin, Minus, Mitchell, Moore, Newman, Nicholson, Owens, Parker, Payne, Poole, Preuitt, Rains, Rogers, Sasser, Smith, Starkey, Starr, Stout, Thornton, Trammell, Turnham, Venable, Waggoner, Wiliams and Wright.

—63

Nays:

Reps.: Box, Brooks, Buskey, Butler, Carothers, Clark, Clikas, Cosby, Escott, Freeman, Gaston, Harper, Hettinger, Howard, Johnson (A. L.), Kennedy, Kvalheim, McMillan, Melton, Murphy, Nevett, Penry, Reed, Rice, Scott, Tucker, Turner, Warren, White (F.), White (L.), Wilson and Zoghby.

—32

RESOLUTION ADOPTED

On motion of Rep. Casey, the resolution, H. R. 307, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Junkins:

H. R. 308. MOURNING THE DEATH OF MR. CHARLIE WADE TUMLIN OF ETOWAH COUNTY.

ADJOURNMENT

On motion of Rep. Johnson (Roy) and pursuant to the resolution, H. R. 305, heretofore adopted, the House adjourned until 10:00 o'clock, a.m., Thursday, June 23, 1983.

TWENTY-FIRST DAY

House of Representatives
Montgomery, Alabama
Thursday, June 23, 1983

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Dr. Earl Potts, Assistant to the Executive Secretary, Alabama Baptist State Convention, Montgomery, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell,

Tucker, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

—105

A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the twentieth legislative day and finds the same to be correct.

JOHN CASEY,
Chairman.

On motion of Rep. Casey, the rules were suspended and the reading at length of the Journal of the House for the twentieth legislative day was dispensed with and the Standing Committee on Rules was concurred in and adopted, and the Journal for the twentieth legislative day was approved.

RESOLUTION

The following resolution was introduced:

By Rep. Johnson (Roy):

H. R. 309. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That when we adjourn today, Thursday, June 23, 1983, we adjourn to meet again on Tuesday, June 28, 1983, at 3:00 p.m.

On motion of Rep. Johnson (Roy), the rules were suspended and the resolution, H. R. 309, was adopted.

BILLS ON SECOND READING

Rep. Martin, Chairman of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 82. (With Substitute): To amend Section 13A-14-2, Code of Alabama 1975, so as to permit municipal governing bodies to meet with their attorneys in executive sessions.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 597. Relating to Etowah County, requiring the county to continue paying health insurance premiums for a certain period of time for certain employees laid off due to insufficient funds.

S. 76. To amend Sections 1 and 2, Act No. 80-167, S. 299, Regular Session 1980 (Acts 1980, p. 245), relating to Morgan County and the distribution of payments made in lieu of ad valorem taxes by the Tennessee Valley Authority pursuant to Section 40-28-3, Code of Alabama 1975, so as to further provide for such distribution; and to further provide for the termination of the provisions of this Act.

S. 458. Relating to the City of Gadsden, Etowah County; providing for a preferential referendum on the question of a mayor-council form of government for the City of Gadsden; prescribing the time of the election; and repealing conflicting laws.

Rep. Turner, Chairman of the Standing Committee on Local Legislation No. 3, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 698. (With Amendments): Relating to any Class 2 municipality; providing for a referendum on the question of adoption of a mayor-council form of government or a council-manager form of government; establishing in the alternative said forms of government; and providing for penalties for violations of certain provisions of this Act.

Rep. Turner, Chairman of the Standing Committee on Local Legislation No. 3, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 790. (With Amendment): Relating to Mobile County; providing for an annual distribution to Mobile United, Inc. from funds received by the county from the additional state sales tax levied on alcoholic beverages by section 28-3-280, Code of Alabama 1975.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Reps.: Stout and Bowling:

H. 798. To provide for the criminal offense of theft of trade secrets and to prescribe penalty for conviction of such offense.

Judiciary.

By Rep. Manley:

H. 799. To further amend the probate laws so as to clarify certain inconsistencies in portions of the "Probate Code" and probate laws by amending Sections 43-2-230, 43-2-231, 43-2-312, 43-2-313, 43-2-315, 43-2-316, 43-2-336, 43-2-412, 43-2-441, 43-2-442, 43-2-450, 43-2-510, 43-5-40, 43-8-132, as amended and repealing Sections 43-2-314, 43-2-317, 43-2-449, 43-2-466 as amended, of the Code of Alabama.

Judiciary.

By Rep. Manley:

H. 800. To amend the laws with respect to administration of decedents' estates to clarify ambiguities that may have resulted from the removal of the distinction between real and personal property in the laws respecting succession to decedents' estates.

Judiciary.

By Reps.: Nicholson and Brakefield (With Notice and Proof):

H. 801. Relating to Walker County; providing an additional expense

allowance for the coroner.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 801, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Nicholson:

H. 802. To provide for the definition, appointment, and removal of bank investigators and to specify the qualifications and powers of bank investigators and the responsibilities of the employing bank.

Banking.

By Reps.: Poole and Manley (With Notice and Proof):

H. 803. Relating to Hale County, providing for the establishment of a consolidated and unified system of assessment and collection of taxes under the supervision of an elective county official designated as county revenue commissioner; prescribing the powers, duties, term of office and compensation of said county revenue commissioner, and providing for his election; abolishing the county offices of tax assessor and tax collector in Hale County; repealing conflicting laws; and prescribing the effective date of this act.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 803, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Reps.: Ashley and Starkey (With Notice and Proof):

H. 804. Relating to selling and redeeming lands for taxes in Lauderdale County, Alabama.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 804, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Reps.: Payne, Lewis, White (L), Bennett, Preuitt, Johnson (RG), Biddle, Hall, Rice, Poole, Boles, Mitchell, Starkey, Cosby, Starr, Wilson, Rains, Laird, Grouby, Box, Faulk, Kvalheim, Gaston, Dutton, Freeman, Murphy, Zoghby, Harper, Drinkard, Coleman, Butler, Rogers, Escott, Trammell, Waggoner, Hettinger, Moore, Adams, Layton, Grimsley, Mathis, Ashley, Stout, Johnson (Roy), Parker, Smith, Scott, Goodwin, Brooks, Junkins, Turner, White (F), Penry, Hammett, Brakefield, Harvey and Lauderdale:

H. 805. To exempt the 34th National Square Dance Convention from

the payment of all state, county and municipal sales and use taxes.

Ways and Means.

By Reps.: Layton and Wright:

H. 806. To provide for a reduction in rates in certain motor vehicle premiums of certain senior citizens who successfully complete certain approved motor vehicle accident courses; and to provide an effective date.

Ways and Means.

By Rep. Johnson (Roy):

H. 807. To amend Code § 22-6-4.2, Copayment for prescription drugs, to conform to the requirements of the Medicaid provisions of Public Law 97-248, the Tax Equity and Fiscal Responsibility Act of 1982.

Ways and Means.

By Rep. Thomas (With Notice and Proof):

H. 808. Relating to Lowndes County, Alabama, to provide for and create a County Racing Commission for the regulation, licensing, and supervision of dog racing and wagering thereon; to prescribe the composition, appointment, powers and duties of the commission; to provide for and regulate the parimutuel or certificate of method of wagering within the enclosure of licensed race tracks; to provide for the distribution of license fees, taxes, commissions, and other monies received under the provision of the act; and to provide certain penalties for the violation of this act and for other purposes relative thereof.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 808, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Reps.: Bennett, Escott, Rogers, Layton, Tucker, Davis and Horn:

H. 809. Proposing an amendment to the Constitution of Alabama which creates a Jefferson County Indigent Medical Care Authority to control the administration of the Jefferson County Indigent Care Fund and the operation of Cooper Green Hospital and Clinics.

Local Legislation No. 2.

The above bill was read a first time at length as required by the Constitution.

By Reps.: McMillan, Blakeney and Penry:

H. 810. To amend Section 11-43-50, Code of Alabama 1975, so as to require that there shall be at least one regular meeting of the council, each month, in the towns of this state and to provide a procedure for additional regular meetings of the council, each month, at the option of the council of the town; to establish an effective date.

Local Government.

By Reps.: Johnson (AL), Escott, Brakefield, Grimsley, Lauderdale, Martin, Browder, White (L), Williams, Coleman, Melton, Sasser, Buskey, Clark,

Kennedy, Crow, Junkins, Hall, Poole, White (F), Johnson (RG), Parker, Blake, Carothers, Thomas, Bowling, Cosby, Campbell, Mitchell, Langford, Bryant, Faulk, Kvalheim, Holmes, Harper, Penry, Newman, Ashley, Trammell, Goodwin, Thornton, Layton, Wright, Davis, Bennett, Boles, Albright, Manley and Minus:

H. 811. To provide further for warranties on new motor vehicles and provides for refunds for failure to conform to said warranties.

Judiciary.

By Reps.: Kvalheim, Gaston, Clikas, McMillan, Penry and Harper:

H. 812. To establish the procedure by which any municipality in the state may elect to change its form of government to a mayor-council form.

Local Government.

By Reps.: Davis, Escott, Horn, Rogers, Thornton, Murphy, Seibels, Buskey, Hettinger, Reed, Kennedy, Howard, Nevett, Coleman, Thomas, Junkins, Crow, Browder, Rains, Brooks, Dutton, Parker, Freeman, Nicholson, Lauderdale, Holmes, Melton, Bryant, Layton, Goodwin, Langford, Preuitt, Brakefield, Bennett, Wright, Scott, Hall, Butler, Clark, Waggoner, Ashley, Poole, Mitchell, Tucker, Johnson (AL), Albright, Moore, White (L), Blake, Mathis, Turnham, Wilson, Faulk, Blakeney, Carothers, Lewis, Holley, Trammell and Johnson (Roy):

H. 813. To create the Alabama Indian Affairs Commission; to prescribe the powers, duties and authority of the Commission, and to provide for the selection, term, qualifications, and compensation of the members thereof; to provide for the appointment, duties, and compensation of an Executive Director and other employees of the Commission; and to repeal Sections 41-9-700 through 41-9-707, Code of Alabama, 1975.

State Administration.

By Rep. Minus:

H. 814. To amend Section 30-2-51, Code of Alabama 1975, which provides for allowances upon granting of divorce and exempts certain property from being included within such allowances, so as to provide further for such exempt property.

Judiciary.

RESOLUTIONS

The following Resolutions were introduced:

By Rep. Bennett:

H. J. R. 310. COMMENDING JOINT COMMISSION ON ACCREDITATION OF HOSPITALS.

WHEREAS, the Joint Commission on Accreditation of Hospitals, a private, non-profit organization, which was created by and composed of health care professionals has inspected Lakeshore Hospital, and

WHEREAS, the Joint Commission on Accreditation of Hospitals, which is governed by representatives of the American College of Surgeons, the American College of Physicians, the American Dental Association, the American Hospital Association and the American Medical Association, and

WHEREAS, the Joint Commission on Accreditation of Hospitals pro-

motes quality health care through establishing high standards, conducting on-site surveys of facilities and awarding accreditation to facilities that meet these standards, and

WHEREAS, these standards are described as "optimal achievable" because they reflect the best of current thinking in the field because the standards are revised periodically and are developed to keep the level of care consistent with current knowledge, techniques and government regulations, and

WHEREAS, a Joint Committee on Accreditation of Hospitals survey team, including a physician, nurse, hospital administrator, and laboratory technologist, visited and evaluated the performance of Lakeshore Hospital in twenty-four different areas,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, congratulate Lakeshore Hospital on becoming accredited in 1983 by the Joint Commission on Accreditation of Hospitals and providing the optimal standard of care for the citizens of Alabama.

On motion of Rep. Bennett, the rules were suspended and the resolution, H. J. R. 310, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Payne:

H. R. 311. COMMENDING MISS CONNIE WATKINS OF HEWITT-TRUSSVILLE HIGH SCHOOL FOR OUTSTANDING ATHLETIC ACCOMPLISHMENT.

Also:

The following resolutions were introduced:

By Reps.: Bowling and Drake:

H. J. R. 312. COMMENDING MR. JOHN GRADY MOSS FOR OUTSTANDING SERVICE TO THE CITIZENS OF CULLMAN COUNTY.

WHEREAS, though a native of Colbert County, Mr. John Grady Moss has been a resident of Cullman since 1932; and

WHEREAS, Mr. Grady Moss attended David Lipscomb College in Nashville, Tennessee, and Abilene Christian College in Abilene, Texas; he is a graduate of Gupton-Jones Mortuary School in Nashville; and

WHEREAS, since moving to Cullman, Mr. Moss has been involved in the mortuary business, and for the vast majority of that time as the owner of Moss-Service Funeral Home, now in partnership with his son, David; and

WHEREAS, in addition to serving the citizens of Cullman County as a mortician, with sensitivity and compassion, Mr. Moss also has been active in service to his community in numerous other areas; and

WHEREAS, he is a former longtime member of the Kiwanis Club; he is a Mason and Shriner; and he is a member of the East Cullman Church of Christ where he is faithful in attendance and dedicated in responsibility to the affairs of his church; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we herein express highest commendation and praise of Mr. John Grady Moss of Cullman, Alabama; we further express deep admiration of his numerous outstanding accomplishments and direct that he receive a copy of this resolution that he and his wife, Mrs. Helen Graves Moss, and other family members may know of our highest personal regard.

On motion of Rep. Bowling, the rules were suspended and the resolution, H. J. R. 312, was adopted.

Also:

By Reps.: Layton, Davis and Payne:

H. J. R. 313. COMMENDING JOINT COMMISSION ON ACCREDITATION OF HOSPITALS.

WHEREAS, the Joint Commission on Accreditation of Hospitals, a private, non-profit organization, which was created by and composed of health care professionals has inspected East End Memorial Hospital & Health Centers

WHEREAS, the Joint Commission on Accreditation of Hospitals, which is governed by representatives of the American College of Surgeons, the American College of Physicians, the American Dental Association, the American Hospital Association and the American Medical Association, and

WHEREAS, the Joint Commission on Accreditation of Hospitals promotes quality health care through establishing high standards, conducting on-site surveys of facilities and awarding accreditation to facilities that meet these standards, and

WHEREAS, these standards are described as "optimal achievable" because they reflect the best of current thinking in the field because the standards are revised periodically and are developed to keep the level of care consistent with current knowledge, techniques and government regulations, and

WHEREAS, a Joint Committee on Accreditation of Hospitals survey team, including a physician, nurse, hospital adminstrator, and laboratory technologist, visited and evaluated the performance of East End Memorial Hospital & Health Centers in twenty-four different areas,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, congratulate East End Memorial Hospital & Health Centers on becoming accredited in 1983 by the Joint Commission on Accreditation of Hospitals and providing the optimal standard of care for the citizens of Alabama.

On motion of Rep. Layton, the rules were suspended and the resolution, H. J. R. 313, was adopted.

Also:

By Reps.: Rains, Coleman and Stout:

H. J. R. 314. COMMENDING MRS. BETTY BARNES OF GUNTERSVILLE, ALABAMA.

WHEREAS, in a desire to recognize Alabamians of achievement, the Alabama Legislature is pleased to note the recent selection of Mrs. Betty Barnes of Guntersville, Alabama, as runner-up in national competition to

choose the Handicapped Professional Woman of the Year; and

WHEREAS, as runner-up, Betty Barnes, the Guntersville Pilot Club's candidate, will be flown by Pilot International, along with the winner, to the organization's annual convention to be held in Hawaii in July; and

WHEREAS, the contest was held for the purpose of recognizing "professional women whose handicaps have inspired them to new career heights and to greater community service"; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Mrs. Betty Barnes of Guntersville, Alabama, for outstanding achievement; we further congratulate her as National runner-up for Handicapped Professional Woman of the Year and direct that she receive a copy of this resolution in small token of our deep admiration and highest regard.

On motion of Rep. Rains, the rules were suspended and the resolution, H. J. R. 314, was adopted.

Also:

By Rep. Box:

H. R. 315. REQUESTING AN ADVISORY OPINION OF THE JUSTICES OF THE SUPREME COURT RELATIVE TO H. B. 247.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF ALABAMA, That we respectfully request the Honorable Chief Justice and Associate Justices of the Supreme Court or a majority of them, to give this body their written opinions on the following important constitutional questions which have arisen concerning the pending bill, H. B. 247, a copy of which is attached to this resolution and made a part hereof by reference.

1. Does House Bill 247 as proposed violate Article III, Section 44 of the Alabama Constitution of 1901 which provides for separation of powers?

2. Is House Bill 247 as proposed within the powers of the Legislative Department under Article IV of the Alabama Constitution of 1901?

3. Can the Legislature by legislative act revoke a patent deed which is properly executed?

4. Does House Bill 247 as proposed violate Article I, Section 22 of the Alabama Constitution of 1901?

MOTION TO SUSPEND RULES AND ADOPT

Rep. Box offered the motion to suspend the rules and adopt the resolution, H. R. 315.

DIVISION OF THE QUESTION

Rep. Boles called for the Division of the Question and the call was sustained.

MOTION TO SUSPEND RULES LOST

The question was then on the motion offered by Rep. Box to suspend the rules in order to take up for immediate consideration the resolution, H. R. 315 and the motion was lost.

The resolution, H. R. 315, was read and referred to the Standing Committee on Rules.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Rep. Rogers:

H. R. 316. HONORING THE REVEREND PHILIP SCHAFER, C.P.

Also:

By Rep. Rogers:

H. R. 317. HONORING THE ROBERTSON FAMILY ON THE OCCASION OF THEIR NINTH FAMILY REUNION.

Also:

The following resolutions were introduced:

By Rep. McKee:

H. J. R. 318. COMMENDING FRANK J. SEGO ON HIS CANDIDACY FOR PRESIDENT-ELECT OF THE NATIONAL EXCHANGE CLUB.

WHEREAS, Frank J. Sego, of Montgomery, Alabama, is a candidate for the high office of President-Elect of the National Exchange Club at its 65th annual convention to be held in the City of Nashville, Tennessee in July, 1983, and

WHEREAS, the said Frank J. Sego has been an active member of the Exchange Club of Montgomery where he served as its president, performing many tasks of civic and community-building nature, in addition to his duties as director of public affairs for the Alabama Forestry Commission, and

WHEREAS, the said Frank J. Sego was president of the Alabama District Exchange Clubs during the year 1976 and 1977, serving with dignity, intelligence and ability, and

WHEREAS, Frank J. Sego has been honored by Exchange as Most Outstanding Exchangite of the Montgomery Club, as the Alabama District's Most Outstanding Member and a Most Outstanding District Director in Alabama for the National Exchange Club, and

WHEREAS, Frank J. Sego has a proven record of leadership through his numerous civic endeavors in the Montgomery area, including the chairmanship of the Montgomery Crime Prevention Program, the Bicentennial Commission, the Sales and Marketing Executives, the Metropolitan Montgomery Urban League and Keep Montgomery Beautiful; and has served on the board of trustees of the St. James School, the Voluntary Action Center and a number of other organizations within the community, and

WHEREAS, Frank J. Sego has twice been elected to, and is currently serving as, a member of the board of directors of the National Exchange Club, now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we enthusiastically endorse the candidacy of Frank J. Sego for the high office of President-Elect of the National Exchange Club and recommend him in every possible way to the citizens of other states and offer our assistance to him in his campaign for this office.

BE IT FURTHER RESOLVED, That a copy of this resolution be circulated among the proper officials of the National Exchange Club.

On motion of Rep. McKee, the rules were suspended and the resolution, H. J. R. 318, was adopted.

Also:

By Reps.: Goodwin, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drake, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby:

H. J. R. 319. COMMENDING MISS STEPHANIE KAY ASHMORE OF MUSCLE SHOALS, ALABAMA, AMERICA'S JUNIOR MISS FOR 1983.

WHEREAS, the hearts of all Alabama citizens swelled with pride in the selection of our own Miss Stephanie Kay Ashmore of Muscle Shoals, Alabama, as America's Junior Miss for 1983; and

WHEREAS, the pageant finals, televised nationally from Mobile, Alabama, on June 21, 1983, began with the musical introduction of each state Junior Miss and were followed by the announcement of the five leading contenders who competed further for judging before a nationwide audience; and

WHEREAS, Stephanie, as Alabama's Junior Miss, was first selected from among all 52 contestants to receive the pageant preliminary physical fitness award and a $5,000 scholarship; she then thrilled the audience in talent competition with a superb ballet and gymnastic routine to the accompaniment of "Bless the Beasts and the Children"; and

WHEREAS, Alabama's and America's new Junior Miss is the 18-year-old daughter of Dr. and Mrs. James D. Ashmore of Muscle Shoals and a 1983 graduate of Muscle Shoals High School where she excelled academically and was involved in numerous school related and extra curricular activities; and

WHEREAS, in addition to her prestigious national title, Stephanie also was awarded a $32,600 scholarship, among many other prizes, and will of course be traveling widely during her reign in public appearances throughout America; and

WHEREAS, we are indeed exceedingly proud of Miss Ashmore who, as America's Junior Miss, has brought great honor to her hometown and to the entire State of Alabama; she is an extraordinary young lady of outstanding accomplishment and we sincerely wish her every future success and happiness in life; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH

HOUSES THEREOF CONCURRING, That we hereby most highly commend and congratulate America's Junior Miss, Stephanie Kay Ashmore of Muscle Shoals, Alabama, and direct that she be presented with a copy of this resolution in token of our utmost regard and on behalf of all citizens of Alabama.

On motion of Rep. Goodwin, the rules were suspended and the resolution, H. J. R. 319, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Brooks:

H. R. 320. EXPRESSING GRATITUDE TO MR. EARL GIPSON FOR HIS DEDICATED WORK AT CAMERON UNITED METHODIST CHURCH.

Also:

The following resolution was introduced:

By Rep. Brooks:

H. J. R. 321. EXPRESSING GRATITUDE TO MR. EARL GIPSON FOR HIS DEDICATED WORK AT CAMERON UNITED METHODIST CHURCH.

WHEREAS, in August of 1983, Cameron United Methodist Church will hold its annual homecoming; and

WHEREAS, on this momentous occasion former members, present members and friends will assemble and recall the many heartwarming events of the past; and

WHEREAS, in furtherance of this special day we pay special tribute to Mr. Earl Gipson for his many years of dedicated work at Cameron United Methodist Church; and

WHEREAS, Mr. Gipson has over the past many years given untiringly of his time in the work of Cameron United Methodist Church, serving as superintendent and providing leadership in ensuring that the work of this Church would be carried out; and

WHEREAS, it is to be noted with great gratitude that in addition to his leadership as superintendent, he has also given unselfishly of his time in making repairs and modification to the building and also in supervising the opening of graves for funerals; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That with deep appreciation and heartfelt praise, we express our highest regard and esteem to Mr. Earl Gipson for the outstanding contributions he has made in service to his church and community.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. Earl Gipson.

On motion of Rep. Brooks, the rules were suspended and the resolution, H. J. R. 321, was adopted.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Rep. Hammett:

H. R. 322. HONORING MISS MARY ALLEN KING, COVINGTON COUNTY, ON HER RETIREMENT.

Also:

By Rep. Rogers:

H. R. 323. COMMENDING HOLY FAMILY HIGH SCHOOL IN BIRMINGHAM, ALABAMA, ON THE OCCASION OF ITS 40th ANNIVERSARY.

Also:

The following resolutions were introduced:

By Rep. Smith:

H. J. R. 324. COMMENDING ARTIST JOHN ZED KING OF CLANTON, ALABAMA, AND DESIGNATING JULY 16, 1983, AS JOHN ZED KING DAY IN ALABAMA.

WHEREAS, Mr. John Zed King of Clanton, Alabama, is a native of Mobile County and a 1966 graduate of Vigor High School; he has attended Yancey State Junior College, Gadsden State Technical School, Alexander City Junior College, George C. Wallace Community College and the University of Montevallo as an art major; and

WHEREAS, Mr. King entered the United States Army in 1970 as an instructor at Fort Gordon and upon transfer to Fort Sam Houston, in 1973, was attached to the Medical Training Center as an illustrator; he became interested in watercolor while on tour of duty in San Antonio, Texas, precipitating his career as a professional artist; and

WHEREAS, after Mr. King left military service to devote full time to his art career, he toured the United States and Canada from 1975 to 1978 with the World of Art, which is based in California; and

WHEREAS, Mr. King's studio has been located in Clanton, Alabama, since 1975, and he has become widely known as one of our nation's finest watercolorists; his paintings are now part of numerous public and private collections throughout North America and his work also is seen on covers of widely circulated magazines; and

WHEREAS, Mr. King's unique style and subjects of universal appeal have established him as a renowned artist and through such distinction he has brought great fame and honor to our state; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in appreciation of outstanding accomplishment and in warm personal pride, we hereby designate July 16, 1983, as "John Zed King Day" in the State of Alabama.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to Mr. King in token of our utmost regard and as a memento of this honorary designation of the Alabama Legislature.

On motion of Rep. Smith, the rules were suspended and the resolution,

H. J. R. 324, was adopted.

Also:

By Rep. Zoghby:

H. R. 325. INVITING PARTICIPANTS OF THE "SPECIAL" ARTS EDUCATION PROGRAM OF MOBILE TO APPEAR BEFORE THE ALABAMA HOUSE OF REPRESENTATIVES, JUNE 29, 1983.

WHEREAS, the "Special" Arts Education Program of Mobile is an activity provided for the area's handicapped children; and

WHEREAS, through participation in such a program, Mobile's "special" children receive training in the arts, both for their enjoyment and to the enrichment of their lives; and

WHEREAS, the "Special" Arts Education Program of Mobile, which is funded by Mr. and Mrs. Randy Adams, fills a vital community need by providing these children with an opportunity for growth through cultural experience; and

WHEREAS, the Alabama House of Representatives would be privileged to enjoy an appearance by participants in this commendable program; now therefore,

BE IT RESOLVED BY THE ALABAMA HOUSE OF REPRESENTATIVES, That we extend a most cordial invitation to the "Special" Arts Education Program of Mobile to appear before this body in performance, on June 29, 1983, at a time to be later set in mutual convenience.

BE IT FURTHER RESOLVED, That the "Special" Arts Education Program of Mobile be advised, by copy of this resolution, of the House of Representative's invitation and of our hopeful anticipation of their acceptance.

On motion of Rep. Zoghby, the rules were suspended and the resolution, H. R. 325, was adopted.

Also:

By Reps.: Waggoner, Scott, Smith, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drake, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turner, Turnham, Venable, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby:

H. J. R. 326. COMMENDING JOINT COMMISSION ON ACCREDITATION OF HOSPITALS.

WHEREAS, the Joint Commission on Accreditation of Hospitals, a private, non-profit organization, which was created by and composed of health care professionals has inspected Children's Hospital, and

WHEREAS, the Joint Commission on Accreditation of Hospitals, which is governed by representatives of the American College of Surgeons, the American College of Physicians, the American Dental Association, the American Hospital Association and the American Medical Association, and

WHEREAS, the Joint Commission on Accreditation of Hospitals promotes quality health care through establishing high standards, conducting on-site surveys of facilities and awarding accreditation to facilities that meet these standards, and

WHEREAS, these standards are described as "optimal achievable" because they reflect the best of current thinking in the field because the standards are revised periodically and are developed to keep the level of care consistent with current knowledge, techniques and government regulations, and

WHEREAS, a Joint Committee on Accreditation of Hospitals survey team, including a physician, nurse, hospital adminstrator, and laboratory technologist, visited and evaluated the performance of Children's Hospital in twenty-four different areas,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, congratulate Children's Hospital on becoming accredited in 1983 by the Joint Commission on Accreditation of Hospitals and providing the optimal standard of care for the citizens of Alabama.

On motion of Rep. Waggoner, the rules were suspended and the resolution, H. J. R. 326, was adopted.

H. 424 TEMPORARILY POSTPONED

On motion of Rep. Box, the bill, H. 424, was temporarily postponed.

BILLS ON THIRD READING

SPECIAL ORDER

The House proceeded to the consideration of the Special Order Calendar.

And the bill:

S. 272. To amend Act No. 80-277, Regular Session, providing methods of funding a legislative delegation office and to reallocate Madison County's share of payments made by the Tennessee Valley Authority to the state in lieu of ad valorem taxes.

Was read a third time at length and passed.

Yeas 41; Nays 0.

Yeas:

Reps.: Adams, Ashley, Bennett, Blakeney, Brakefield, Bryant, Butler, Carter, Casey, Clark, Clikas, Coleman, Dutton, Escott, Ford, Gaston, Goodwin, Grimsley, Hall, Hammett, Harper, Hettinger, Holmes, Johnson (Roy), Kvalheim, Lauderdale, Layton, McMillan, Melton, Owens, Parker, Penry, Poole, Preuitt, Sasser, Starkey, Starr, Turnham, Venable, Waggoner and Zoghby.

—41

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 677. Relating to Elmore County, to provide an expense allowance and mileage allowance to supplement the compensation of the county coroner.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 40; Nays 0.

Yeas:

Reps.: Ashley, Bennett, Blake, Brakefield, Butler, Casey, Clark, Clikas, Coleman, Cosby, Crow, Ford, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Hettinger, Holmes, Howard, Johnson (Roy), Lauderdale, Layton, Lewis, McMillan, Melton, Mitchell, Nicholson, Owens, Parker, Penry, Poole Sasser, Starkey, Turnham, Venable, Waggoner and Zoghby.

—40

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 719. Relating to Elmore County, to authorize the sheriff to use certain county jail inmates to work on county roads and public property.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 48; Nays 0.

Yeas:

Reps.: Ashley, Bennett, Blake, Blakeney, Brakefield, Browder, Bryant, Butler, Carter, Casey, Clark, Coleman, Cosby, Crow, Dutton, Ford, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Hettinger, Holmes, Howard, Johnson (R.G.), Johnson (Roy), Lauderdale, Layton, Mathis, Mitchell, Moore, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Richardson, Sasser, Starr, Trammell, Turnham, Venable, Waggoner and Wilson.

—48

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 309. (With Amendment): Relating to Talladega County; abolishing the offices of tax assessor and tax collector and providing for the establishment of a consolidated and unified system for assessment and collection of taxes, under the supervision of an elected county official designated as county revenue commissioner, providing for the term of office, duties, office, equipment, personnel, and compensation of such official, repealing conflicting laws, to be effective upon the approval of a majority of the electors of Talladega County voting in a referendum election held for such purpose.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 1, said amendment being as follows:

In Section 2, page 2, immediately following line 9, insert the following sentence as a continuation of Section 2:

The county revenue commissioner shall also issue all state and county license tags, tag renewals, and other licenses as are presently issued by the probate judge.

In Section 11, page 4, strike the last sentence on line 10, "The election shall be held June 7, 1983.", and insert in lieu thereof the following:

The election shall be held on the same date as the first special primary or general statewide election held subsequent to the passage of this Act.

And the amendment was adopted.

Yeas 52; Nays 0.

Yeas:

Reps.: Adams, Ashley, Bennett, Boles, Brakefield, Browder, Bryant, Butler, Carter, Casey, Clark, Clikas, Coleman, Cosby, Crow, Dutton, Faulk, Gaston, Goodwin, Grimsley, Hall, Hammett, Harper, Hettinger, Holmes, Johnson (R.G.), Johnson (Roy), Junkins, Kvalheim, Langford, Lauderdale, Layton, Lewis, McMillan, Mathis, Melton, Mitchell, Nicholson, Owens, Parker, Payne, Penry, Poole, Richardson, Sasser, Starkey, Starr, Trammell, Venable, Waggoner, Warren and Wright.

—52

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, S. 309 as thus amended, was read a third time at length and passed.

Yeas 54; Nays 0.

Yeas:

Reps.: Adams, Ashley, Bennett, Blake, Boles, Brakefield, Bryant, Butler, Carter, Casey, Clark, Clikas, Coleman, Cosby, Crow, Dutton, Escott, Flowers, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Hettinger, Holmes, Johnson (R.G.), Kvalheim, Langford, Lauderdale, Layton, Lewis, McMillan, Mathis, Melton, Mitchell, Moore, Murphy,

Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Richardson, Sasser, Thomas, Trammell, Venable, Waggoner, Warren and Wright.

—54

And the bill:

S. 441. Relating to Monroe County; to provide an additional expense allowance for the members of the county board of education to become effective June 1, 1983.

Was read a third time at length and passed.

Yeas 54: Nays 0.

Yeas:

Reps.: Adams, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Brakefield, Bryant, Butler, Carter, Casey, Clark, Clikas, Coleman, Cosby, Crow, Dutton, Flowers, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Hettinger, Johnson (Roy), Junkins, Kvalheim, Lauderdale, Layton, Lewis, Mathis, Mitchell, Moore, Murphy, Nicholson, Owens, Parker, Payne, Poole, Richardson, Sasser, Scott, Smith, Starkey, Thomas, Trammell, Venable, Waggoner, Warren and Wright.

—54

And the bill:

S. 91. Relating to Jefferson County; to prescribe the compensation of the Assistant Sheriff for the Bessemer Division of Jefferson County and to repeal all conflicting statutes.

Was read a third time at length and passed.

Yeas 48; Nays 0.

Reps.: Ashley, Bennett, Blake, Blakeney, Boles, Brakefield, Bryant, Butler, Carter, Casey, Clark, Clikas, Coleman, Cosby, Crow, Dutton, Flowers, Gaston, Grimsley, Grouby, Hall, Hammett, Harper, Hettinger, Holmes, Howard, Johnson (Roy), Lauderdale, Layton, Lewis, Mathis, Moore, Nicholson, Owens, Parker, Payne, Poole, Richardson, Sasser, Smith, Starkey, Starr, Thomas, Trammell, Tucker, Turnham, Venable and Waggoner.

—48

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 721. Relating to Jefferson County; to regulate further the taking of fish from public streams and impounded waters in such county except in municipal parks; authorizing the taking of non-game fish by the use of wire mesh baskets, on which a privilege license tax has been paid; prohibiting the sale of fish so taken; prescribing penalties for violation of this Act.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 53; Nays 0.

Yeas:

Reps.: Ashley, Bennett, Blakeney, Boles, Brakefield, Bryant, Butler, Carter, Casey, Clark, Clikas, Coleman, Cosby, Crow, Dutton, Flowers, Gaston, Goodwin, Grimsley, Grouby, Hammett, Harper, Hettinger, Howard, Johnson (Roy), Kvalheim, Lauderdale, Layton, Lewis, McMillan, Mathis, Melton, Moore, Murphy, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Richardson, Sasser, Starkey, Starr, Thomas, Trammell, Tucker, Turnham, Venable, Waggoner, Warren and Wilson.

—53

And the bill:

S. 198. To amend Section 11-52-3, Code of Alabama 1975, to make certain provisions applicable to Class I municipalities and to provide for the appointment by the mayor or any council member serving as a member of a municipal planning commission of a Class I municipality to appoint a supernumerary member to be counted for quorum purposes and to act with all powers of a regular member whenever such municipal officer is not present.

Was taken up.

AMENDMENT OFFERED

Rep. Escott offered the following amendment to the bill, S. 198:

Amend S. 198, page 2, line 9, by inserting after the word "appoint" the following:

", from the administrative staff of the mayor and council exclusively,"

and, further, amend S. 198, page 2, line 12, by deleting everything after the work "attendance" and the entirety of line 13 and inserting in lieu thereof the following:

"."

And the amendment was adopted.

Yeas 42; Nays 0.

Yeas:

Reps.: Ashley, Bennett, Blakeney, Bryant, Casey, Clark, Clikas, Cosby, Davis, Dutton, Flowers, Gaston, Goodwin, Grimsley, Grouby, Horn, Howard, Johnson (Roy), Lauderdale, Lewis, McMillan, Mathis, Melton, Moore, Murphy, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Richardson, Rogers, Smith, Starkey, Thomas, Thornton, Tucker, Turnham, Warren and White (F.).

—42

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, S. 198 as thus amended, was read a third time at length and passed.

Yeas 49; Nays 0.

Yeas:

Reps.: Ashley, Bennett, Blakeney, Brakefield, Bryant, Carter, Casey, Clark, Clikas, Cosby, Davis, Dutton, Escott, Gaston, Goodwin, Grouby, Hall, Harper, Hettinger, Holmes, Horn, Howard, Johnson (Roy), Kvalheim, Lauderdale, Layton, Lewis, McMillan, Mathis, Melton, Moore, Murphy, Nicholson, Owens, Parker, Payne, Penry, Poole, Richardson, Rogers, Scott, Starkey, Thomas, Thornton, Trammell, Tucker, Turnham, Warren and White (F.).

—49

PRESENCE OF A QUORUM ASCERTAINED

The presence of quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 747. Relating to Montgomery County; providing further for the compensation of the judge of probate.

Was taken up.

SUBSTITUTE OFFERED

Rep. Starr offered the following substitute to the bill, H. 747:

A BILL
TO BE ENTITLED
AN ACT

Relating to Montgomery County; providing further for the compensation of the judge of probate.

Be It Enacted by the Legislature of Alabama:

Section 1. The judge of probate of Montgomery County shall receive as his compensation $42,000.00 as the total compensation paid to said judge. Said compensation shall be paid out of the general fund of Montgomery County.

Section 2. This act shall become effective on January 1, 1984.

SUBSTITUTE TO SUBSTITUTE OFFERED

Rep. Holmes offered the following substitute to the substitute offered by Rep. Starr to the bill, H. 747:

A BILL
TO BE ENTITLED
AN ACT

Relating to Montgomery County; providing further for the compensation of the judge of probate.

Be It Enacted by the Legislature of Alabama:

Section 1. The judge of probate of Montgomery County shall receive as his compensation $45,000 as the total compensation paid to said judge. Said compensation shall be paid out of the general fund of Montgomery County.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

MOTION TO POSTPONE ADOPTED

On motion of Rep. Wilson, the bill, H. 747 with pending substitutes was postponed to the twenty-second legislative day.

And the bill:

H. 84. Relating to Jefferson County, City of Birmingham and the State of Alabama; providing further for an additional expense allowance of the two (2) Associate Board Members of the Jefferson County Board of Equalization and Adjustments, payable from the general funds of Jefferson County, from the general funds of the City of Birmingham and from the general funds of the State of Alabama; providing for an expiration date; to make the provisions of this Act retroactive to June 1, 1982.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 31; Nays 1.

Yeas:

Reps.: Bennett, Biddle, Brakefield, Casey, Cosby, Goodwin, Hall, Hammett, Hettinger, Horn, Howard, Johnson (Roy), Junkins, Lauderdale, Layton McMillan, Mathis, Moore, Murphy, Parker, Poole, Preuitt, Richardson, Rogers, Scott, Smith, Starr, Thomas, Tucker, Waggoner and Wright.

—31

Nay: Rep. Trammell. —1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Drinkard, the rules were suspended in order to take up out of order the bill, H. 616.

And the bill:

H. 616. To amend Section 9 of Act 79-722 (Section 11-54-148 Code of Alabama 1975, pocket part) to permit lease of certain municipal property for municipally financed hotel projects.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 37; Nays 0.

Yeas:

Reps.: Bennett, Blakeney, Bowling, Brakefield, Browder, Butler, Carter, Casey, Cosby, Drinkard, Dutton, Goodwin, Grouby, Hall, Hammett, Harvey, Johnson (A.L.), Johnson (Roy), Junkins, Lauderdale, Mathis, Mitchell, Newman, Nicholson, Parker, Poole, Preuitt, Rains, Richardson, Smith,

Thomas, Trammell, Tucker, Venable, Warren, White (L.) and Wilson.

—37

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Smith, the rules were suspended in order to take up out of order the bill, H. 283.

And the bill:

H. 283. (With Substitute): To amend Sections 28-3A-2 and 28-3A-25, Code of Alabama 1975, relating to definitions, violations and punishments of the state's alcoholic beverage control laws, so as to raise the minimum age of minors for purposes of buying and consuming alcoholic beverages to 21 years of age, and to provide further for penalties for selling such beverages to minors.

Was taken up.

The question was then on the substitute reported by the Standing Committee on Judiciary to the bill H. 283, said substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To amend Section 28-3A-2, Code of Alabama 1975, relating to definitions, violations and punishments of the state's alcoholic beverage control laws, so as to raise the minimum age of minors for purposes of buying and consuming alcoholic beverages to 21 years of age.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 28-3A-2, Code of Alabama 1975, is hereby amended to read as follows:

"Section 28-3A-2. The following words or phrases, whenever they appear in this chapter, unless the context clearly indicates otherwise, shall have the meaning ascribed to them in this section:

"(1) ALCOHOLIC BEVERAGES. Any alcoholic, spirituous, vinous, fermented or other alcoholic beverage, or combination of liquors and mixed liquor, a part of which is spirituous, vinous, fermented or otherwise alcoholic and all drinks or drinkable liquids, preparations or mixtures intended for beverage purposes, which contain one half of one percent or more of alcohol by volume, and shall include liquor, beer, and wine, both fortified and table wine.

"(2) ASSOCIATION. A partnership, limited partnership, or any form of unincorporated enterprise owned by two or more persons.

"(3) BEER. Any beer, lager beer, ale, porter, malt or brewed beverage or similar fermented malt liquor containing one half of one percent or more of alcohol by volume and not in excess of four percent alcohol by weight and five percent by volume, by whatever name the same may be called.

"(4) BOARD. The alcoholic beverage control board.

"(5) CARTON. The package or container or containers in which alcoholic beverages are originally packaged for shipment to market by the manufacturer or its designated representatives or the importer.

"(6) CONTAINER. The single bottle, can, keg, bag or other receptacle, not a carton, in which alcoholic beverages are originally packaged for the market by the manufacturer or importer and from which the alcoholic beverage is consumed by or dispensed to the public.

"(7) CLUB. a. Class I. A corporation or association organized or formed in good faith by authority of law and which must have at least 150 paid-up members. It must be the owner, lessee or occupant of an establishment operated solely for the object of a national, social, patriotic, political or athletic nature or the like, but not for pecuniary gain, and the property as well as the advantages of which belong to all the members and which maintains an establishment provided with special space and accommodations where, in consideration of payment, food, with or without lodging, is habitually served. The club shall hold regular meetings, continue its business through officers regularly elected, admit members by written application, investigation and ballot and charge and collect dues from elected members.

"b. Class II. A corporation or association organized or formed in good faith by authority of law and which must have at least 100 paid-up members. It must be the owner, lessee or occupant of an establishment operated solely for the objects of a national, social, patriotic, political or athletic nature or the like. The club shall hold regular meetings, continue its business through officers regularly elected, admit members by written application, investigation and ballot and charge and collect dues from elected members.

"(8) CORPORATION. A corporation or joint stock association organized under the laws of this state, the United States, or any other state, territory or foreign country, or dependency.

"(9) DRY COUNTY. Any county which by a majority of those voting in the negative in an election heretofore held under the applicable statutes at the time of said election or may hereafter vote in the negative in an election or special method referendum hereafter held in accordance with the provisions of chapter 2 or held in accordance with the provisions of any act hereafter enacted permitting such election.

"(10) DRY MUNICIPALITY. Any municipality within a wet county which has, by its governing body or by a majority of those voting in a municipal election heretofore held in accordance with the provisions of Section 28-2-22, or in a municipal option election heretofore or hereafter held in accordance with the provisions of any act heretofore or hereafter enacted permitting municipal option election, voted to exclude the sale of alcoholic beverages within the corporate limits of said municipality.

"(11) GENERAL WELFARE PURPOSES. a. The administration of public assistance as set out in Sections 38-2-5 and 38-4-1;

"b. Services, including supplementation and supplementary services under the federal Social Security Act, to or on behalf of persons to whom such public assistance may be given under said Sections 38-2-5 and 38-4-1;

"c. Service to and on behalf of dependent, neglected or delinquent children; and

"d. Investigative and referral services to and on behalf of needy persons.

"(12) HEARING COMMISSION. A body appointed by the board to hear and decide all contested license applications and all disciplinary charges against any licensee for violation of this chapter or the regulations of the board.

"(13) HOTEL. A building or buildings held out to the public for housing accommodations of travelers or transients, and shall include motel, but shall not include a rooming house or boardinghouse.

"(14) IMPORTER. Any person, association or corporation engaged in importing alcoholic beverages, liquor, wine or beer, manufactured outside of the United States of America into this state or for sale or distribution in this state, or to the board or to a licensee of the board.

"(15) LIQUOR. Any alcoholic, spirituous, vinous, fermented, or other alcoholic beverage, or combination of liquors and mixed liquor, a part of which is spirituous, fermented, vinous or otherwise alcoholic, and all drinks and drinkable liquids, preparations or mixtures intended for beverage purposes, which contain one half of one percent or more of alcohol by volume, except beer.

"(16) LIQUOR STORE. A liquor store operated by the board, where alcoholic beverages other than beer are authorized to be sold in unopened containers.

"(17) MANUFACTURER. Any person, association or corporation engaged in the producing, bottling, manufacturing, distilling, rectifying or compounding of alcoholic beverages, liquor, beer or wine in this state or for sale or distribution in this state or to the board or to a licensee of the board.

"(18) MINOR. Any person under ~~19~~ 21 years of age. It is further provided, however, that persons who are 19 years of age or older as of the effective date of this amendatory act shall be considered adults under this chapter.

"(19) MUNICIPALITY. Any incorporated city or town of this state.

"(20) PERSON. Every natural person, association or corporation. Whenever used in a clause prescribing or imposed a fine or imprisonment, or both, such term as applied to 'association' shall mean the partners or members thereof and as applied to 'corporation' shall mean the officers thereof, except as to incorporated clubs the term 'person' shall mean such individual or individuals who, under the bylaws of such clubs, shall have jurisdiction over the possession and sale of liquor therein.

"(21) POPULATION. The population according to the last preceding or any subsequent decennial census of the United States, except where a municipality is incorporated subsequent to the last census, in which event, its population of said municipality as determined by the judge of probate of said county as the official population of the date of its incorporation.

"(22) RESTAURANT. A reputable place licensed as a restaurant, operated by a responsible person of good reputation and habitually and principally used for the purpose of preparing and serving meals for the public to consume on the premises.

"(23) MEAL. A diversified selection of food some of which is not susceptible of being consumed in the absence of at least some articles of tableware and which cannot be conveniently consumed while one is standing or

walking about.

"(24) RETAILER. Any person licensed by the board to engage in the retail sale of any alcoholic beverages to the consumer.

"(25) SALE OR SELL. Any transfer of liquor, wine or beer for a consideration and any gift in connection with, or as a part of, a transfer of property other than liquor, wine or beer for a consideration.

"(26) UNOPENED CONTAINER. A container containing alcoholic beverages, which has not been opened or unsealed subsequent to filling and sealing by the manufacturer or importer.

"(27) WET COUNTY. Any county which by a majority of those voting voted in the affirmative in an election heretofore held in accordance with the statutes applicable at the time of said election or may hereafter vote in the affirmative in an election or special method referendum held in accordance with the provisions of chapter 2 of this title or other statutes applicable at the time of said election.

"(28) WHOLESALER. Any person licensed by the board to engage in the sale and distribution of table wine and beer, or either of them, within this state, at wholesale only, to be sold by export or to retail licensees or other wholesale licensees or others within this state lawfully authorized to sell table wine and beer, or either of them, for the purpose of resale only. Provided, further, that any person licensed under this subsection shall be authorized to sell keg beer, where lawful, at retail for off-the-premises consumption.

"(29) WINE. All beverages made from the fermentation of fruits, berries, or grapes, with or without added spirits, and produced in accordance with the laws and regulations of the United States, containing not more than 24 percent alcohol by volume, and shall include all sparkling wines, carbonated wines, special natural wines, rectified wines, vermouths, vinous beverages, vinous liquors, and like products.

"(30) FORTIFIED WINE. Any wine containing more than 14 percent alcohol by volume but not more than 24 percent.

"(31) TABLE WINE. Any wine containing not more than 14 percent alcohol by volume."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 75; Nays 0.

Yeas:

Reps.: Adams, Ashley, Bennett, Blake, Blakeney, Boles, Bowling, Brakefield, Brooks, Browder, Bryant, Butler, Campbell, Carter, Casey, Coleman, Cosby, Crow, Davis, Drinkard, Dutton, Escott, Flowers, Ford, Gaston, Grimsley, Grouby, Hall, Hammett, Harvey, Holley, Holmes, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Laird, Langford, Lauderdale, Layton, Lewis, McKee, Mathis, Melton, Minus, Mitchell, Murphy, Newman, Nicholson, Owens, Parker, Payne, Poole, Preuitt, Rains, Reed, Richardson, Sasser, Smith, Starkey, Starr, Thomas, Thornton, Trammell, Tucker, Turnham, Venable, Waggoner, Warren,

White (F.), White (L.), Wilson, Wright and Zoghby.

—75

H. 283 TEMPORARILY POSTPONED

On motion of Rep. Smith, the bill, H. 283 as amended was temporarily postponed.

RESOLUTION

The following resolution was introduced:

By Rep. Faulk:

H. J. R. 327. COMMENDING JOINT COMMISSION ON ACCREDITATION OF HOSPITALS.

WHEREAS, the Joint Commission on Accreditation of Hospitals, a private, non-profit organization, which was created by and composed of health care professionals has inspected Crenshaw County Hospital, and

WHEREAS, the Joint Commission on Accreditation of Hospitals, which is governed by representatives of the American College of Surgeons, the American College of Physicians, the American Dental Association, the American Hospital Association and the American Medical Association, and

WHEREAS, the Joint Commission on Accreditation of Hospitals promotes quality health care through establishing high standards, conducting on-site surveys of facilities and awarding accreditation to facilities that meet these standards, and

WHEREAS, these standards are described as "optimal achievable" because they reflect the best of current thinking in the field because the standards are revised periodically and are developed to keep the level of care consistent with current knowledge, techniques and government regulations, and

WHEREAS, a Joint Committee on Accreditation of Hospitals survey team, including a physician, nurse, hospital adminstrator, and laboratory technologist, visited and evaluated the performance of Crenshaw County Hospital in twenty-four different areas.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, congratulate Crenshaw County Hospital on becoming accredited in 1983 by the Joint Commission on Accreditation of Hospitals and providing the optimal standard of care for the citizens of Alabama.

On motion of Rep. Faulk, the rules were suspended and the resolution, H. J. R. 327, was adopted.

SPECIAL ORDER RESUMED

H. 247 TEMPORARILY POSTPONED

On motion of Rep. Casey, the bill, H. 247 was temporarily postponed.

And the bill:

H. 675. (With Amendments): To provide a statement of public policy and legislative intent underlying its enactment; to provide for the regulation of cogeneration facilities; to provide that a cogeneration facility shall not be deemed a public utility; to regulate the sale and wheeling of electric power

produced by cogeneration facilities; to provide standards for determining avoided costs in the sale of cogenerated power; to provide for services and data to be made available from electric utilities; to provide for the authority of the Public Service Commission respecting cogeneration facilities; to provide for the severability of the provisions of this Act; and to provide for the manner in which it shall become law.

Was taken up.

SUBSTITUTE OFFERED

Rep. Turner offered the following substitute to the bill, H. 675 and to the amendments reported by the Standing Committee on Commerce and Industrial Development:

A BILL
TO BE ENTITLED
AN ACT

To provide for the "Alabama Energy and Jobs Development Act of 1983"; to provide a statement of public policy and legislative intent underlying its enactment; to provide for the regulation of cogeneration facilities; to provide that a cogeneration facility shall not be deemed a public utility; to regulate the sale of electric power produced by cogeneration facilities; to provide standards for determining avoided costs in the sale of cogenerated power, to provide for services and data to be made available from electric utilities; to provide for the authority of the Public Service Commission respecting cogeneration facilities; to provide for the severability of the provisions of this Act; and to provide for the manner in which it shall become law.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall be known and may be cited as the "Alabama Energy and Jobs Development Act of 1983."

Section 2. It is hereby declared to be the public policy of this state that the public interest requires the encouragement and development of cogeneration facilities to conserve energy resources and further industrial economic development in this state. It is necessary for growth and job opportunities to encourage new investment in energy producing systems to remain competitive and allow for the sustained economic development of this state.

Section 3. (A) A "cogeneration facility" means a facility which generates electricity and steam (or other forms of heat) which is used for industrial, commercial, heating, or cooling purposes, through the sequential use of energy, or a facility which generates electricity using biomass, waste, renewable resources (including wind, solar or hydro) or a combination of these, as its primary energy source.

(B) A "cogenerator" means a municipality, person or corporation owning or operating a cogeneration facility, the equity interest in which is less than 50% owned by an electric utility or a subsidiary or affiliate of an electric utility.

(C) The "commission" means the Public Service Commission of Alabama.

(D) "Avoided Costs" means the incremental costs to an electric utility of electric energy or capacity or both which, but for the purchase from a

cogenerator, such utility would generate itself or purchase from another source.

(E) "Backup power" means electric energy or capacity supplied by an electric utility to replace energy ordinarily generated by a cogenerator's own generation equipment during an unscheduled outage of a cogeneration facility.

(F) "Maintenance power" means electric energy or capacity supplied by an electric utility during scheduled outages of a cogeneration facility.

(G) "Supplementary power" means electric energy or capacity supplied by an electric utility, regularly used by a cogenerator in addition to that which said cogenerator generates itself.

(H) "Interruptible power" means electric energy or capacity supplied by an electric utility subject to interruption by the electric utility under specified conditions.

(I) "Electric utility" means a public utility which, alone or together with its affiliates, owns, operates or purchases at least 2,500 megawatts of electrical generating capacity.

Section 4. A cogeneration facility shall not be deemed to be a utility or a public utility under Alabama law and such a facility shall be subject to control or regulation by the commission only as expressly authorized in this Act, except that the commission may treat all or a portion of the investment by an electric utility in a cogeneration facility as a public utility property for retail rate-making purposes.

Section 5. A cogenerator may require an electric utility to enter into a contract for the purchase of the electric energy or electric energy and capacity which is produced by the cogenerator, at a price which is equivalent to the utility's avoided costs. Such contract may be for a period of the useful life of the cogeneration facility at the option of the cogenerator, but not to exceed a term of 30 years. At the same time, the cogenerator may elect to purchase all or any portion of his requirements of electric energy or capacity, or both, from an electric utility.

Section 6. The avoided costs shall be a reasonable estimate of avoided energy costs plus avoided capacity costs over the term of the contract. The avoided capacity costs shall take into consideration (a) the anticipated reliability of the cogeneration facility, in comparison to the reliability of other generating units supplying electricity to the utility; (b) the anticipated availability of the power during on-peak as well as off-peak periods; (c) the term of the contract into the cogenerator is willing to enter; (d) the amount of advance notice that the utility has of the intentions of the cogenerator to construct a generating facility and to make the capacity available to the utility; and (e) the willingness of the cogenerator to schedule his maintenance during seasonal off-peak periods. The avoided energy costs shall take into consideration the anticipated costs of fuel as well as other variable operating and maintenance costs, plus the anticipated availability of the power during on-peak as well as off-peak periods. Taking into account the factors set forth in this Section, avoided costs shall be comparable to the anticipated costs per kilowatt-hour of construction and operation of a future generating unit of the electric utility. A future generating unit is one which the utility is planning to construct or is in the process of constructing (either directly or as an investor or purchaser) at the time that the cogenerator makes a firm offer to sell its electric energy and capacity to the utility. Such comparable costs shall take into account the factors set forth in (a)

through (e) above, as well as the number of years during which the cogeneration facility shall operate at the same time as the electric utility's future generating unit, the effect of anticipated price escalation, the percentage of completion of the future generating unit at the time that the cogenerator makes a firm offer to sell its electric energy and capacity to the utility, and the time at which the cogeneration facility will become operational. In no event shall the avoided costs for electric energy and capacity which is being simultaneously purchased by the utility and sold to the cogenerator be lower than the rate the cogenerator pays the utility to purchase the same amount of electricity during the same period of time.

If a cogeneration unit becomes available prior to the time at which the utility's future generating unit is expected to be required to meet the utility's capacity needs, in that interim the avoided costs shall be the utility's incremental energy costs plus such additional revenues as are obtainable from off-system capacity sales.

Section 7. Each electric utility must make available to all cogenerators backup power, maintenance power, and supplementary power on a firm (non-interruptible) basis, and interruptible power, at rates and under terms and conditions which are just and reasonable and in the public interest, and which do not discriminate against cogenerators. Such rates shall not exceed the estimated cost of providing such service. The rates for backup and maintenance power shall take into account the cogenerator's anticipated forced outage rate, and shall not assume that forced outages will occur simultaneously among cogenerators, or during system peaks.

Section 8. The electric utility will make available upon request, to the commission or to a cogenerator, whatever data may be necessary or helpful in determining whether the provisions of this Act are being fulfilled, including but not limited to a determination of such utility's avoided costs, taking into consideration the standards referred to in Section 6 above, and a determination as to whether backup power, maintenance power, supplementary power and interruptible power are available under the terms and conditions, and at rates, required under Section 7 above.

Section 9. Except as expressly provided in this Act, nothing herein shall restrict the commission's existing authority with respect to the setting of rates for the retail sale of electricity.

The commission is hereby authorized and directed to take whatever steps may be necessary to implement the provisions of this Act, and to promulgate necessary rules and regulations consistent with the provisions hereof. Any cogenerator who believes that an electric utility is not fulfilling its obligations under this Act may petition the commission for an order establishing such utility's avoided costs or directing the utility to enter into a contract, or for other appropriate relief. The commission will expedite the handling of any such petition and make every effort to resolve it within 120 days from the date that it is filed. If the commission fails to resolve any such petition within said 120 days, or if the petitioner or such electric utility believes that the commission action on the petition is inconsistent with the policy or purposes as provided by Section 2 of this Act, or is otherwise unlawful, either the petitioner or the utility may bring an action within 30 days after the date of the commission order or the expiration of the 120-day period in the Circuit Court of Montgomery County, Alabama, to seek appropriate relief consistent with the policy, purposes and other provisions of this Act.

Section 10. If any section, clause, provision or portion of this Act shall

be held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause or provision of this Act which is not in and of itself invalid or unconstitutional.

Section 11. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE TO SUBSTITUTE OFFERED

Rep. Johnson (Roy) offered the following substitute to the substitute offered by Rep. Turner to the bill, H. 675, and to the pending amendments reported by the Standing Committee on Commerce and Industrial Development:

A BILL
TO BE ENTITLED
AN ACT

To provide a statement of public policy and legislative intent underlying its enactment; to provide for the regulation of cogeneration facilities; to provide that a cogeneration facility shall not be deemed a public utility; to regulate the sale of electric power produced by cogeneration facilities; to provide standards for determining avoided costs in the sale of cogenerated power; to provide for services and data to be made available from electric utilities; to provide for the authority of the Public Service Commission respecting cogeneration facilities; to provide for the severability of the provisions of this Act; and to provide for the manner in which it shall become law.

Be It Enacted by the Legislature of the State of Alabama:

Section 1. Title. This Act shall be known and may be cited as the "Alabama Energy and Jobs Development Act of 1983."

Section 2. It is hereby declared to be the public policy of this State that the public interest requires the encouragement and development of cogeneration facilities to conserve energy resources and further industrial and economic development in this State. It is necessary for growth and job opportunities to encourage new investment in energy producing systems to remain competitive and allow for the sustained economic development of this State.

Section 3. Definitions.

(A) A "cogeneration facility" means a facility, located within the state and no portion of which was constructed prior to the effective date of this Act, which generates electricity and steam (or other forms of heat) which is used for industrial, commercial, heating, or cooling purposes, through the sequential use of energy, and which is a qualified facility under the Federal Energy Regulatory Commission's rules implementing Sections 201 and 210 of the Public Utility Regulatory Policies Act of 1978.

(B) A "cogenerator" means a municipality, person, firm or corporation owning and operating a cogeneration facility, but does not include any electric utility.

(C) The "commission" means the Public Service Commission of Alabama, in the case of a utility otherwise subject to its jurisdiction; and in any other case means such other state or federal agency having jurisdiction over cogeneration facilities as may be otherwise provided by law.

(D) "Avoided costs" means the net actual incremental costs to an elec-

tric utility of electric energy or capacity or both which, but for the purchase from a cogenerator such utility would generate itself or purchase from another source.

(E) "Backup power" means electric energy or capacity supplied by an electric utility to replace energy ordinarily generated by a cogenerator's own generation equipment during an unscheduled outage of a cogeneration facility.

(F) "Maintenance power" means electric energy or capacity supplied by an electric utility during scheduled outages of a cogeneration facility.

(G) "Supplementary power" means electric energy or capacity supplied by an electric utility, regularly used by a cogenerator in addition to that which said cogenerator generates itself.

(H) "Interruptible power" means electric energy or capacity supplied by an electric utility subject to interruption by the electric utility under specified conditions.

(I) "Electric utility" or "utility" means any municipality, municipally-owned utility or other governmental entity, any cooperative, corporation, firm, person, association or other entity engaged in supplying electric service at wholesale or retail.

Section 4. Regulation of Generating Facilities. A cogenerator shall not be deemed to be a public utility under Alabama law and such a facility shall be subject to control or regulation by the commission only as expressly authorized in this Act, except that the commission shall treat all of the investment by an electric utility in a cogeneration facility as public utility property for retail rate-making purposes.

Section 5. Sale of Electricity. A cogenerator may require an electric utility to enter into a contract under which the utility is required to purchase, and the cogenerator is required to produce and supply, electric energy or capacity, or both, which is produced by the cogenerator, at a price which is equal to the utility's net actual avoided costs. Such contract may be for a period of the useful life of the cogeneration facility. At the same time, the cogenerator may elect to purchase all or any portion of his requirements of electric energy or capacity, or both, from the electric utility. In any case, the cogenerator shall pay the reasonable costs of interconnection, and the utility may establish reasonable requirements for safety, reliability and the protection of its systems.

Section 6. Standards for Determining Avoided Costs. The avoided costs shall be (1) net actual energy costs not incurred by the utility as a result of the purchase, adjusted quarterly, plus (2) the actual net reliable capacity costs provided the utility is able to avoid such costs during the term of the contract as a result of reliable capacity supplied by the cogenerator. "Reliable capacity" means the largest amount of capacity supplied by the cogenerator that is available to the utility during all of the utility's daily and seasonal peak periods. The avoided net capacity costs shall take into consideration (a) the demonstrated reliability of the cogeneration facility, in comparison to the reliability of other generating units supplying electricity to the utility; (b) the demonstrated availability of the power during the system daily and seasonal peak as well as off-peak periods; (c) the nature of the contract into which the cogenerator is willing to enter including its duration, termination provision, and sanctions for non-compliance; (d) the ability of the utility to avoid capacity costs by purchases from the cogeneration facility, including the deferral of capacity additions; (e) the capacity

available to the utility; (f) the ability and willingness of the cogenerator to schedule his maintenance during seasonal off-peak periods; and (g) the ability of the utility to dispatch the power generated by the cogenerator. In the case of a utility which is purchasing all or a part of its requirements from another utility, total avoided cost payments to a cogenerator shall not exceed the net costs avoided by the supplying utility. In no case shall any capacity payments be required of any utility during any period when it has sufficient system or contractual capacity available to meet its system requirements.

Section 7. Services Available from the Utility. Unless a utility's ability to serve its customers would be impaired or an undue burden placed on its system each electric utility must make available to all cogenerators backup power, maintenance power, supplementary power on a firm (non-interruptible) basis, and interruptible power, at the same rates which apply to the utility's other customers with similar load and other cost-related characteristics.

Section 8. Data Available from the Utility. The electric utility will make available upon request, to the commission or to a cogenerator, whatever data may be necessary or helpful in determining whether the provisions of this Act are being fulfilled, including but not limited to a determination of the utility's avoided costs (taking into consideration the standards referred to in Section 6 above) and a determination as to whether backup power, maintenance power, supplementary power and interruptible power are available under the terms and conditions, and at rates, required under Section 7 above.

Section 9. Authority of the Commission. The commission is hereby authorized and directed to take whatever steps may be necessary to implement the provisions of this Act, including but not limited to the promulgation of rules and regulations consistent with the provisions hereof. Any rule or regulation promulgated under the Act shall ensure that the reliability of electric service is not impaired. Any cogenerator who believes that the electric utility is not fulfilling its obligations under this Act may petition the commission for an order establishing the utility's avoided costs or directing the utility to enter into a contract, or for other appropriate relief. In establishing a utility's avoided costs or any rates to be paid for the purchase of cogenerated power by a utility and in establishing rates for backup power, maintenance power and supplementary power the commission shall ensure that the utility's other electric consumers will not subsidize any cogenerator. The commission will expedite the handling of any such petition and make every effort to resolve it within 120 days from the date that it is filed. If the commission fails to resolve any such petition within said 120 days, or if the petitioner or electric utility believe that the commission action on the petition is unlawful, either the petitioner or the utility may bring an action in the Circuit Court of Montgomery County, Alabama to seek appropriate relief consistent with the provisions of this Act.

Section 10. If any section, clause, provision or portion of this Act shall be held invalid or unconstitutional by any Court of competent jurisdiction, such holding shall not affect any other section, clause or provision of this Act which is not in and of itself invalid or unconstitutional.

Section 11. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming law.

MOTION TO TABLE LOST

The motion offered by Rep. Turner to table the substitute to the substitute offered by Johnson (Roy) to the bill, H. 675, was lost.

Yeas 36; Nays 59.

Yeas:

Mr. Speaker, Albright, Ashley, Bowling, Box, Brooks, Buskey, Butler, Carothers, Casey, Clark, Clikas, Dutton, Freeman, Gaston, Goodwin, Grouby, Hall, Harper, Johnson (R.G.), Kennedy, Kvalheim, McKee, McMillan, Martin, Mathis, Parker, Penry, Reed, Stout, Thomas, Thornton, Turner, Warren, White (F.) and Zoghby.

—36

Nays:

Reps.: Adams, Bennett, Blake, Blakeney, Boles, Brakefield, Browder, Bryant, Campbell, Carter, Coleman, Cosby, Davis, Drinkard, Escott, Flowers, Ford, Grimsley, Hammett, Harvey, Hettinger, Holley, Holmes, Horn, Johnson (A.L.), Johnson (Roy), Junkins, Laird, Langford, Lauderdale, Layton, Lewis, Manley, Melton, Minus, Mitchell, Moore, Murphy, Newman, Nicholson, Owens, Payne, Poole, Preuitt, Rains, Richardson, Rogers, Sasser, Seibels, Smith, Starkey, Starr, Trammell, Turnham, Venable, Waggoner, White (L.), Williams and Wright.

—59

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the House amendment to the following Senate Bill:

S. 309. Relating to Talladega County; abolishing the offices of tax assessor and tax collector and providing for the establishment of a consolidated and unified system for assessment and collection of taxes, under the supervision of an elected county official designated as county revenue commissioner, providing for the term of office, duties, office, equipment, personnel, and compensation of such official, repealing conflicting laws, to be effective upon the approval of a majority of the electors of Talladega County voting in a referendum election held for such purpose.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 310. COMMENDING JOINT COMMISSION ON ACCREDITATION OF HOSPITALS.

Also:

H. J. R. 312. COMMENDING MR. JOHN GRADY MOSS FOR OUTSTANDING SERVICE TO THE CITIZENS OF CULLMAN COUNTY.

Also:

H. J. R. 313. COMMENDING JOINT COMMISSION ON ACCREDITATION OF HOSPITALS.

Also:

H. J. R. 314. COMMENDING MRS. BETTY BARNES OF GUNTERSVILLE, ALABAMA.

Also:

H. J. R. 318. COMMENDING FRANK J. SEGO ON HIS CANDIDACY FOR PRESIDENT-ELECT OF THE NATIONAL EXCHANGE CLUB.

Also:

H. J. R. 319. COMMENDING MISS STEPHANIE KAY ASHMORE OF MUSCLE SHOALS, ALABAMA, AMERICA'S JUNIOR MISS FOR 1983.

Also:

H. J. R. 321. EXPRESSING GRATITUDE TO MR. EARL GIPSON FOR HIS DEDICATED WORK AT CAMERON UNITED METHODIST CHURCH.

Also:

H. J. R. 324. COMMENDING ARTIST JOHN ZED KING OF CLANTON, ALABAMA, AND DESIGNATING JULY 16, 1983, AS JOHN ZED KING DAY IN ALABAMA.

Also:

H. J. R. 326. COMMENDING JOINT COMMISSION ON ACCREDITATION OF HOSPITALS.

Also:

H. J. R. 327. COMMENDING JOINT COMMISSION ON ACCREDITATION OF HOSPITALS.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 129. To amend Section 11-54-20, Code of Alabama 1975, to permit municipalities to provide projects for commercial enterprises providing certain linen rental services, and to correct certain typographical errors contained in said section.

Also:

H. 130. To amend Section 11-54-80, Code of Alabama 1975, as heretofore amended, to permit municipal industrial development boards to provide projects for commercial enterprises providing certain linen rental services, and to clarify certain provisions of said section respecting commercial

enterprises providing hotel or motor inn services.

McDOWELL LEE,
Secretary.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 129. To amend Section 11-54-20, Code of Alabama 1975, to permit municipalities to provide projects for commercial enterprises providing certain linen rental services, and to correct certain typographical errors contained in said section.

Also:

H. 130. To amend Section 11-54-80, Code of Alabama 1975, as heretofore amended, to permit municipal industrial development boards to provide projects for commercial enterprises providing certain linen rental services, and to clarify certain provisions of said section respecting commercial enterprises providing hotel or motor inn services.

And finds same correctly enrolled.

JOHN S. CASEY,
Chairman.

SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

H. 675 RESUMED

SUBSTITUTE ADOPTED

The question was then on the adoption of the substitute offered by Rep. Johnson (Roy), to the substitute offered by Rep. Turner to the bill, H. 675 and amendments, and the substitute was adopted.

Yeas 62; Nays 29.

Yeas:

Mr. Speaker, Adams, Bennett, Blake, Blakeney, Boles, Brakefield, Browder, Bryant, Campbell, Carter, Casey, Coleman, Cosby, Davis, Drinkard, Escott, Flowers, Ford, Hammett, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (Roy), Junkins, Laird, Langford, Lauderdale, Layton, Lewis, Manley, Martin, Melton, Minus, Mitchell, Moore, Murphy, Newman, Nicholson, Owens, Parker, Payne, Poole, Preuitt, Rains, Richardson, Rogers, Sasser, Seibels, Smith, Starkey, Starr, Trammell, Venable, Waggoner, White (L.), Williams, Wilson and Wright.

—62

Nays:

Reps.: Ashley, Bowling, Box, Buskey, Butler, Carothers, Clark, Clikas,

Dutton, Freeman, Gaston, Goodwin, Grouby, Hall, Harper, Johnson (R.G.), Kvalheim, McKee, McMillan, Mathis, Penry, Reed, Stout, Thomas, Thornton, Turner, Warren, White (F.) and Zoghby.

—29

AMENDMENT OFFERED

Rep. Brakefield offered the following amendment to the bill, H. 675 as amended:

Amend the Substitute to H. B. 675 on page 3, Section 3, line 16 by inserting the following:

(J) All coal used in their generating facilities must be Alabama produced coal.

And the amendment was adopted.

Yeas 78; Nays 7.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Browder, Bryant, Buskey, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coleman, Cosby, Davis, Drinkard, Escott, Ford, Gaston, Goodwin, Grimsley, Grouby, Hall, Harper, Holley, Holmes, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, Manley, Mathis, Minus, Mitchell, Moore, Murphy, Newman, Nicholson, Owens, Parker, Payne, Poole, Preuitt, Rains, Reed, Richardson, Rogers, Sasser, Seibels, Smith, Starkey, Starr, Stout, Thornton, Trammell, Turnham, Waggoner, Warren, White (L.) Wilson, Wright and Zoghby.

—78

Nays:

Reps.: Brooks, Butler, Hettinger, McKee, McMillan, White (F) and Williams.

—7

AMENDMENT OFFERED

Rep. Sasser offered the following amendment to the bill, H. 675 as amended:

Amend Substitute to the Substitute to House Bill 675, page 2, by striking Subsection (A) in its entirety and inserting in lieu thereof a new Subsection (A) to read as follows:

(A) A "cogeneration facility" means a facility, located within the state which generates electricity and steam (or other forms of heat) which are used for industrial, commercial, heating or cooling purposes, through the sequential use of energy, and which is a qualified facility under the Federal Energy Regulatory Commission's rules implementing Sections 201 and 210 of the Public Utility Regulatory Policies Act of 1978.

And the amendment was adopted.

Yeas 90; Nays 1.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Blake, Blakeney, Boles,

Bowling, Brakefield, Brooks, Browder, Bryant, Butler, Campbell, Carothers, Carter, Casey, Clikas, Coleman, Cosby, Davis, Drinkard, Dutton, Escott, Faulk, Ford, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Reed, Richardson, Rogers, Sasser, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Turner, Venable, Waggoner, Warren, White (F.), White (L.), Williams, Wilson, Wright and Zoghby.

—90

Nay: Rep. Clark. —1

And the bill:

H. 675. To provide a statement of public policy and legislative intent underlying its enactment; to provide for the regulation of cogeneration facilities; to provide that a cogeneration facility shall not be deemed a public utility; to regulate the sale of electric power produced by cogeneration facilities; to provide standards for determining avoided costs in the sale of cogenerated power; to provide for services and data to be made available from electric utilities; to provide for the authority of the Public Service Commission respecting cogeneration facilities; to provide for the severability of the provisions of this Act; and to provide for the manner in which it shall become law.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 96; Nays 1.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coleman, Cosby, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Reed, Richardson, Rogers, Sasser, Seibels, Smith, Starkey, Starr, Stout, Thomas, Trammell, Tucker, Turner, Venable, Waggoner, Warren, White (F.), White (L.), Williams, Wilson, Wright and Zoghby.

—96

Nay: Rep. Thornton. —1

MOTION TO RECONSIDER TABLED

Having voted on the prevailing side, Rep. Johnson (Roy) offered the motion to reconsider the vote by which the bill, H. 675 as amended, was passed, and to table his motion to reconsider the vote, and the motion to table was adopted.

Yeas 62; Nays 27.

Yeas:

Mr. Speaker, Adams, Bennett, Blake, Boles, Bowling, Brakefield, Browder, Bryant, Campbell, Carter, Casey, Coleman, Cosby, Davis, Drinkard, Escott, Flowers, Ford, Goodwin, Grimsley, Hammett, Harvey, Holley, Holmes, Horn, Howard, Johnson (Roy), Junkins, Laird, Langford, Lauderdale, Layton, Lewis, Manley, Martin, Mathis, Minus, Mitchell, Moore, Murphy, Newman, Nicholson, Owens, Payne, Poole, Preuitt, Rains, Richardson, Rogers, Sasser, Seibels, Smith, Starkey, Starr, Stout, Trammell, Venable, Waggoner, White (L.), Williams and Wright.

—62

Nays:

Reps.: Ashley, Box, Brooks, Buskey, Butler, Carothers, Clark, Clikas, Dutton, Faulk, Gaston, Hall, Harper, Hettinger, Johnson (R.G.), Kvalheim, McKee, McMillan, Penry, Reed, Thomas, Thornton, Turner, Turnham, Warren, White (F.) and Zoghby.

—27

MOTION TO INDEFINITELY POSTPONE LOST

The motion offered by Rep. Payne to indefinitely postpone the bill, H. 247, was lost.

Yeas 29; Nays 61.

Yeas:

Reps.: Box, Buskey, Carothers, Clark, Clikas, Cosby, Escott, Faulk, Gaston, Harper, Howard, Kennedy, Kvalheim, Lewis, McMillan, Murphy, Nevett, Payne, Penry, Reed, Seibels, Starkey, Starr, Thornton, Turner, Warren, White (F.), Wilson and Zoghby.

—29

Nays:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Blake, Boles, Brakefield, Bryant, Butler, Campbell, Carter, Casey, Coleman, Crow, Davis, Drinkard, Flowers, Ford, Freeman, Goodwin, Grimsley, Grouby, Hall, Hammett, Harvey, Hettinger, Holey, Holmes, Horn, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Laird, Langford, Lauderdale, Layton, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Newman, Nicholson, Owens, Parker, Poole, Preuitt, Rains, Richardson, Rogers, Sasser, Smith, Trammell, Tucker, Venable, White (L.) and Wright.

—61

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the House amendment to the following Senate Bill:

S. 198. To amend Section 11-52-3, Code of Alabama 1975, to make certain provisions applicable to Class I municipalities and to provide for the appointment by the mayor or any council member serving as a member of a municipal planning commission of a Class I municipality to appoint a supernumerary member to be counted for quorum purposes and to act with all

powers of a regular member whenever such municipal officer is not present.

McDOWELL LEE,
Secretary.

PERMISSION GRANTED

Permission was granted for the Journal to show that had Rep. Crow been present at the time the vote was taken on the bill, H. 675, he would have voted "Yea".

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 310. COMMENDING JOINT COMMISSION ON ACCREDITATION OF HOSPITALS.

Also:

H. J. R. 312. COMMENDING MR. JOHN GRADY MOSS FOR OUTSTANDING SERVICE TO THE CITIZENS OF CULLMAN COUNTY.

Also:

H. J. R. 313. COMMENDING JOINT COMMISSION ON ACCREDITATION OF HOSPITALS.

Also:

H. J. R. 314. COMMENDING MRS. BETTY BARNES OF GUNTERSVILLE, ALABAMA.

Also:

H. J. R. 318. COMMENDING FRANK J. SEGO ON HIS CANDIDACY FOR PRESIDENT-ELECT OF THE NATIONAL EXCHANGE CLUB.

Also:

H. J. R. 319. COMMENDING MISS STEPHANIE KAY ASHMORE OF MUSCLE SHOALS, ALABAMA, AMERICA'S JUNIOR MISS FOR 1983.

Also:

H. J. R. 321. EXPRESSING GRATITUDE TO MR. EARL GIPSON FOR HIS DEDICATED WORK AT CAMERON UNITED METHODIST CHURCH.

Also:

H. J. R. 324. COMMENDING ARTIST JOHN ZED KING OF CLANTON, ALABAMA, AND DESIGNATING JULY 16, 1983, AS JOHN ZED KING DAY IN ALABAMA.

Also:

H. J. R. 326. COMMENDING JOINT COMMISSION ON ACCREDITATION OF HOSPITALS.

Also:

H. J. R. 327. COMMENDING JOINT COMMISSION ON ACCREDITATION OF HOSPITALS.

And finds same correctly enrolled.

JOHN S. CASEY,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

SPECIAL ORDER RESUMED

And the bill:

H. 247. Negating a land patent erroneously given to the University of South Alabama by the State of Alabama conveying a portion of Mobile Bay and transferring title to the State of Alabama.

Was taken up.

AMENDMENT OFFERED

Rep. Turner offered the following amendment to the bill, H. 247:

On page 2, delete Section 2 in its entirety and insert in lieu thereof the following language:

Section 2. It is the intent of this Act that the aforementioned property is hereby transferred to the State. Provided, however, the University of South Alabama hereby retains any and all mineral rights to the property described in Section 1 of this Act.

AMENDMENT TABLED

On motion offered by Rep. Casey, the amendment offered by Rep. Turner to the bill, H. 247, was tabled.

Yeas 54; Nays 30.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Blake, Boles, Bowling, Brakefield, Bryant, Butler, Campbell, Carter, Casey, Coleman, Crow, Drinkard, Flowers, Ford, Freeman, Goodwin, Grimsley, Grouby, Hall, Hammett, Harvey, Hettinger, Holley, Holmes, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Laird, Langford, Lauderdale, Layton, Manley Mathis, Minus, Mitchell, Moore, Newman, Nicholson, Parker, Poole, Preuitt, Rains, Richardson, Sasser, Smith, Trammell, Venable and White (L.).

—54

Nays:

Reps.: Blakeney, Box, Brooks, Buskey, Carothers, Clark, Clikas, Cosby, Davis, Escott, Faulk, Gaston, Harper, Horn, Kennedy, Kvalheim, Lewis, McKee, McMillan, Nevett, Payne, Penry, Reed, Rogers, Tucker, Turner,

Waggoner, Warren, White (F.) and Zoghby.

—30

And the bill, H. 247, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 63; Nays 26.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Blake, Boles, Bowling, Brakefield, Bryant, Butler, Campbell, Carter, Casey, Coleman, Crow, Davis, Drinkard, Escott, Flowers, Ford, Freeman, Goodwin, Grimsley, Grouby, Hall, Hammett, Harvey, Holley, Holmes, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Laird, Langford, Lauderdale, Layton, Manley, Martin, Mathis, Mitchell, Moore, Newman, Nicholson, Owens, Parker, Poole, Preuitt, Rains, Richardson, Rogers, Sasser, Smith, Starr, Trammell, Tucker, Venable, White (L.), Williams and Wright.

—63

Nays:

Reps.: Box, Brooks, Buskey, Carothers, Clark, Clikas, Cosby, Faulk, Gaston, Harper, Kennedy, Kvalheim, Lewis, McKee, McMillan, Nevett, Payne, Penry, Reed, Seibels, Starkey, Turner, Waggoner, Warren, White (F.) and Zoghby.

—26

H. 283 RESUMED

AMENDMENT OFFERED

Rep. Bennett offered the following amendment to the bill, H. 283 as amended:

Amend H. B. 283 on page 7, Section 2, line 31 by striking after the word "effective" and adding the following: October 15, 1983 following its passage and approval by the Governor, or upon its otherwise becoming a law.

And the amendment was adopted.

Yeas 56; Nays 23.

Yeas:

Mr. Speaker, Albright, Bennett, Box, Bryant, Butler, Campbell, Carothers, Carter, Casey, Clikas, Cosby, Crow, Davis, Drinkard, Dutton, Escott, Ford, Gaston, Grimsley, Hammett, Harvey, Hettinger, Holmes, Horn, Johnson (A.L.), Johnson (Roy), Junkins, Kvalheim, Langford, Lauderdale, Layton, Lewis, McMillan, Manley, Mathis, Melton, Moore, Murphy, Nevett, Newman, Nicholson, Parker, Penry, Rains, Rice, Rogers, Seibels, Starkey, Starr, Trammell, Turnham, Venable, White (F.), Williams and Wright.

—56

Nays:

Reps.: Adams, Ashley, Blake, Blakeney, Brooks, Grouby, Holley, Johnson (R.G.), Kennedy, Laird, Minus, Owens, Poole, Preuitt, Richardson, Sasser, Smith, Stout, Turner, Waggoner, Warren, White (L.) and Zoghby.

—23

MOTION TO RECOMMIT H. 283 TABLED

On motion of Rep. Smith, the motion offered by Rep. Horn to recommit the bill, H. 283 to its regular place on the calendar was tabled.

Yeas 63; Nays 15.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Blake, Blakeney, Bowling, Brooks, Browder, Butler, Campbell, Carter, Casey, Coleman, Cosby, Crow, Drinkard, Dutton, Flowers, Ford, Gaston, Grimsley, Grouby, Hammett, Harvey, Hettinger, Holley, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Laird, Lauderdale, Layton, Lewis, McMillan, Manley, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Owens, Payne, Penry, Poole, Preuitt, Rains, Rice, Sasser, Seibels, Smith, Stout, Trammell, Turnham, Venable, Warren, White (F.), White (L.), Wright and Zoghby.

—63

Nays:

Reps.: Box, Bryant, Clark, Clikas, Davis, Harper, Holmes, Horn, Melton, Nicholson, Rogers, Starkey, Thornton, Tucker and Williams.

—15

MOTION TO ADJOURN LOST

The motion offered by Rep. Coleman that the House adjourn, was lost.

Yeas 42; Nays 55.

Yeas:

Reps.: Albright, Boles, Bowling, Box, Brakefield, Buskey, Campbell, Carothers, Clark, Clikas, Coleman, Davis, Dutton, Escott, Freeman, Goodwin, Grimsley, Hall, Hammett, Harper, Harvey, Holmes, Horn, Kennedy, Manley, Martin, Mathis, Melton, Murphy, Nicholson, Rains, Rogers, Seibels, Starkey, Starr, Stout, Thomas, Trammell, Tucker, Turnham, Williams and Wilson.

—42

Nays:

Mr. Speaker, Adams, Ashley, Bennett, Blake, Blakeney, Brooks, Browder, Bryant, Butler, Carter, Casey, Cosby, Crow, Drinkard, Flowers, Ford, Gaston, Grouby, Hettinger, Holley, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Laird, Lauderdale, Layton, Lewis, McMillan, Minus, Mitchell, Moore, Nevett, Newman, Owens, Parker, Payne, Penry, Poole, Preuitt, Rice, Richardson, Sasser, Smith, Thornton, Turner, Venable, Waggoner, Warren, White (F.), White (L.), Wright and Zoghby.

—55

H. 283 RESUMED

AMENDMENT OFFERED

Rep. Drinkard offered the following amendment to the bill, H. 283 as amended:

Amend H. B. 283 as substituted, Section 1, (18), page 5, line 25 by add-

ing an additional sentence after the word "chapter" to read as follows:

"Provided however it is the specific intent of this bill that a person 19 years of age or older on the effective date of this act shall not be prohibited from working in any business establishment where alcoholic beverages are sold or consumed.

And the amendment was adopted.

Yeas 74; Nays 21.

Yeas:

Reps.: Albright, Ashley, Bennett, Bowling, Brakefield, Bryant, Buskey, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coleman, Cosby, Crow, Davis, Drinkard, Dutton, Escott, Ford, Freeman, Gaston, Goodwin, Grimsley, Hall, Hammett, Harper, Harvey, Hettinger, Holmes, Horn, Howard, Johnson (A.L.), Junkins, Kennedy, Kvalheim, Langford, Lauderdale, Layton, Lewis, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Penry, Rains, Rice, Rogers, Sasser, Seibels, Starkey, Starr, Stout, Thomas, Thornton, Turnham, Venable, Waggoner, White (L.), Williams, Wilson and Wright.

—74

Nays:

Mr. Speaker, Adams, Blake, Blakeney, Brooks, Butler, Flowers, Grouby, Holley, Johnson (R.G.), Johnson (Roy), Laird, Poole, Preuitt, Richardson, Smith, Trammell, Turner, Warren, White (F.) and Zoghby.

—21

MOTION TO ADJOURN LOST

The motion offered by Rep. Coleman that the House adjourn was lost.

Yeas 44; Nays 47.

Yeas:

Reps.: Albright, Boles, Bowling, Box, Brakefield, Bryant, Buskey, Campbell, Carothers, Clark, Coleman, Davis, Dutton, Escott, Ford, Freeman, Goodwin, Grimsley, Hall, Hammett, Harper, Harvey, Horn, Junkins, Kennedy, Langford, Manley, Mathis, Melton, Minus, Murphy, Nevett, Nicholson, Parker, Rogers, Seibels, Starkey, Starr, Thomas, Thornton, Trammell, Turnham, Williams and Zoghby.

—44

Nays:

Mr. Speaker, Adams, Ashley, Bennett, Blake, Brooks, Browder, Butler, Clikas, Crow, Drinkard, Faulk, Flowers, Gaston, Grouby, Hettinger, Holley, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Laird, Lauderdale, Layton, Lewis, McMillan, Mitchell, Moore, Newman, Owens, Payne, Penry, Poole, Preuitt, Rains, Rice, Richardson, Sasser, Smith, Turner, Venable, Waggoner, Warren, White (F.), White (L.), Wilson and Wright.

—47

H. 283 RESUMED

MOTION TO POSTPONE TABLED

On motion of Rep. Smith, the motion offered by Rep. Starkey to postpone the bill, H. 283 as amended to the twenty-third legislative day, was tabled.

Yeas 57; Nays 28.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Blake, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carter, Coleman, Cosby, Crow, Drinkard, Flowers, Ford, Gaston, Grimsley, Grouby, Hall, Hammett, Harvey, Holley, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Laird, Lauderdale, Layton, Lewis, McMillan, Minus, Mitchell, Moore, Newman, Owens, Payne, Penry, Poole, Preuitt, Rice, Richardson, Sasser, Smith, Turner, Venable, Waggoner, Warren, White (F.), White (L.), Wright and Zoghby.

—57

Nays:

Reps.: Bowling, Box, Carothers, Davis, Dutton, Escott, Faulk, Freeman, Goodwin, Harper, Horn, Kvalheim, Langford, Melton, Murphy, Nevett, Nicholson, Parker, Rains, Rogers, Seibels, Starkey, Starr, Thornton, Trammell, Turnham, Williams and Wilson.

—28

RESOLUTIONS

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Venable and Grouby:

H. R. 328. COMMENDING THE LARRY McCORD FAMILY OF DEATSVILLE AS A GREAT AMERICAN FAMILY.

Also:

The following resolution was introduced:

By Reps.: Kennedy, Buskey and Clark:

H. J. R. 329. MOURNING THE DEATH OF MR. JAMES R. GAVIN OF MOBILE, ALABAMA.

WHEREAS, the Alabama Legislature has been deeply saddened by the death of Mr. James R. Gavin of Mobile, Alabama, on June 14, 1983, at the age of 64 years; and

WHEREAS, prior to his retirement this past January, 1983, Mr. Gavin had been a loyal employee of the Alabama Drydock and Shipping Company for more than 44 years, and was serving in retirement capacity as Painter Supervisor; and

WHEREAS, Mr. Gavin, though associated through service in numerous areas of community concern, was most particularly dedicated to the affairs of his Church and in Christian activities of interdenominational scope; and

WHEREAS, as a lifelong and devoted member of Big Zion AME Zion

Church, Mr. Gavin served as a faithful and dedicated member of the Board of Trustees, as a member of the Gospel Chorus and the J. C. Coleman and Chancel Choirs; he also served as a Class Leader and member of the Steward Board, and at the time of his death, was Ministry of Kindness Steward and Leader of the Prayer Breakfast; and

WHEREAS, Mr. Gavin further sang with the Men's Interdenominational Singing Aggregation and was a longtime and active layman, serving churches of several denominations; and

WHEREAS, even as we mourn, we give thanks for the Christian life of Mr. James Gavin whose legacy of love and service lives after him, comforting those who sorrow and who are bereft in their grief; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are sorely grieved by the death of Mr. James R. Gavin of Mobile, Alabama, and extend our very deepest sympathy to: his devoted wife, Mrs. Lucinda Gavin; his three daughters and four sons; his stepsons, grandchildren, brothers and sisters; and other relatives and friends to whom a copy of this resolution shall be sent in expression of our sincerely shared sorrow in their great loss.

On motion of Rep. Kennedy, the rules were suspended and the resolution, H. J. R. 329, was adopted.

H. 283 RESUMED

AMENDMENT OFFERED

Rep. Bowling offered the following amendment to the bill, H. 283 as amended:

On page 5 line 21, delete the figure 21 and add in lieu thereof the following 56.

AMENDMENT TABLED

On motion of Rep. Smith, the amendment offered by Rep. Bowling to the bill, H. 283 as amended, was tabled.

Yeas 69; Nays 15.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Blake, Brakefield, Brooks, Browder, Butler, Campbell, Carter, Casey, Clikas, Coleman, Cosby, Crow, Drinkard, Escott, Faulk, Flowers, Ford, Gaston, Grimsley, Grouby, Hall, Hammett, Harvey, Hettinger, Holley, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Laird, Lauderdale, Layton, Lewis, McMillan, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Rice, Richardson, Sasser, Smith, Starkey, Stout, Turner, Turnham, Venable, Waggoner, Warren, White (F.), White (L.), Williams, Wilson and Wright.

—69

Nays:

Reps.: Bowling, Box, Bryant, Buskey, Clark, Davis, Harper, Holmes, Horn, Langford, Nicholson, Rogers, Starr, Thomas and Thornton.

—15

MOTION TO ADJOURN LOST

The motion offered by Rep. Hammett that the House adjourn, was lost.

Yeas 41; Nays 54.

Yeas:

Reps.: Bowling, Box, Brakefield, Bryant, Buskey, Campbell, Carothers, Casey, Clark, Davis, Dutton, Escott, Freeman, Goodwin, Grimsley, Hall, Hammett, Harvey, Holmes, Horn, Kennedy, Kvalheim, Langford, Manley, Mathis, Melton, Minus, Murphy, Nevett, Nicholson, Rice, Rogers, Seibels, Starkey, Starr, Thomas, Thornton, Trammell, Venable, Williams and Wilson.

—41

Nays:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Blake, Blakeney, Boles, Brooks, Browder, Butler, Carter, Clikas, Crow, Drinkard, Faulk, Flowers, Ford, Gaston, Grouby, Hettinger, Holley, Howard, Johnson (A.L.), Johnson, (R.G.), Johnson (Roy), Junkins, Laird, Lauderdale, Layton, Lewis, McMillan, Mitchell, Moore, Newman, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Richardson, Sasser, Smith, Stout, Turner, Turnham, Waggoner, Warren, White (F.), White (L.), Wright and Zoghby.

—54

H. 283 RESUMED

AMENDMENT OFFERED

Rep. Dutton offered the following amendment to the bill, H. 283 as amended:

Alabama will raise legal age for purchasing alcoholic beverages to age 21 after such time that at least 2 bordering states does same.

AMENDMENT TABLED

On motion of Rep. Smith, the amendment offered by Rep. Dutton to the bill, H. 283 as amended, was tabled.

Yeas 57; Nays 29.

Yeas:

Mr. Speaker, Adams, Ashley, Blake, Blakeney, Brooks, Browder, Butler, Carter, Casey, Coleman, Cosby, Crow, Drinkard, Faulk, Flowers, Ford, Gaston, Grouby, Harvey, Holley, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Laird, Lauderdale, Layton, Lewis, McMillan, Minus, Mitchell, Moore, Murphy, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Rice, Richardson, Sasser, Smith, Starr, Stout, Turner, Turnham, Venable, Waggoner, Warren, White (F.), White (L.), Wilson and Wright.

—57

Nays:

Reps.: Albright, Bennett, Boles, Box, Brakefield, Bryant, Carothers, Clikas, Davis, Escott, Freeman, Goodwin, Hall, Harper, Holmes, Horn, Kvalheim, Langford, Melton, Nevett, Newman, Nicholson, Rogers, Seibels, Starkey,

Thomas, Thornton, Trammell and Williams.

—29

RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Reps.: Kvalheim and Gaston:

H. R. 330. MOURNING THE DEATH OF MR. J. BARTON GREER OF MOBILE, ALABAMA.

H. 283 RESUMED

AMENDMENT OFFERED

Rep. Holmes offered the following amendment to the bill, H. 283 as amended:

Amend H. B. 283, as substituted, by striking Section 2 and inserting in lieu thereof the following:

Section 2. Any minor sentenced to imprisonment in the county jail or at hard labor for the county for any part of the three (3) months provided for upon the passage of the Act shall not be imprisoned or housed with other prisoners who are adults under this Act, but shall be imprisoned or housed in separate cells or rooms with lighting and study facilities available.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

AMENDMENT TABLED

On motion of Rep. Holley, the amendment offered by Rep. Holmes to the bill, H. 283 as amended, was tabled.

Yeas 56; Nays 26.

Yeas:

Mr. Speaker, Adams, Ashley, Blake, Blakeney, Brakefield, Brooks, Browder, Butler, Campbell, Carter, Casey, Clikas, Coleman, Cosby, Crow, Drinkard, Faulk, Ford, Gaston, Grouby, Harvey, Hettinger, Holley, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Laird, Lauderdale, Layton, Lewis, McMillan, Manley, Minus, Mitchell, Moore, Murphy, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rice, Richardson, Smith, Venable, Waggoner, Warren, White (F.), White (L.), Wilson and Wright.

—56

Nays:

Reps.: Albright, Bennett, Box, Bryant, Buskey, Clark, Davis, Escott, Freeman, Grimsley, Hall, Harper, Holmes, Horn, Kvalheim, Langford, Melton, Nevett, Rains, Rogers, Sasser, Seibels, Starkey, Thomas, Turnham and Williams.

—26

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and

ordered same sent forthwith to the House without engrossment:

By Senator Mitchem:

S. 63. To amend Section 11-50-411 of the Code of Alabama 1975 so as to provide further for the computation and disposition of the net income of gas districts incorporated pursuant to Article 12 of Chapter 50 of Title 11 of the Code of Alabama 1975, as amended.

Also:

By Senators Mitchem, Little and Barron:

S. 263. Relating to and amending 1975 Code of Alabama, §36-6-1 to amend the second sentence (parts being inapplicable) and to change the words "pay periods" to "pay days," and to provide an effective date.

Also:

By Senators Aldridge and Bishop:

S. 468. To provide a statement of public policy and legislative intent underlying its enactment; to provide that the measure of damages in any civil action for the unauthorized extraction, severance, injury or removal of coal from land performed in good faith shall be the fair market value of the coal in place before severance as of the time of extraction, severance, injury or removal; to provide that the measure of damages in all other civil actions for the unauthorized extraction, severance, injury or removal of coal shall be the fair market value of the coal after severance, at the time and place of severance, without allowance for labor and expenses; to provide for its retroactive application; to provide for the severability of the provisions of this Act; and to provide for the manner in which it shall become law.

Also:

By Senators Aldridge and Bishop:

S. 466. To amend Code of Alabama 1975, Section 9-16-93(f) which places jurisdiction in the District Courts of the State by placing jurisdiction in the Circuit Courts of the State; to amend Section 9-16-94(a) which provides for mandatory assessment of civil penalties upon the issuance of cessation orders under Section 9-16-96(a) to correctly read Section 9-16-93(a); to amend Section 9-16-95(f) by providing for reasonable attorney and expert witness fees; to amend Section 9-16-99(2) which provides for waiver of certain requirements of this Article on surface mining areas affecting two acres or less; and to amend Section 9-16-75 relating to rule making procedures by providing that provisions in this Act shall take precedence over the provisions of the Alabama Administrative Procedure Act; and providing for an emergency rule making procedure; and to amend Section 9-16-79(1)(a) relating to hearings and appeals by providing that the provisions of this Act shall take precedence over the Alabama Administrative Procedure Act as related to hearings and appeals; and to amend Section 9-16-87(d) relating to exploration permits by providing for a reclamation bond; and to amend Section 9-16-89(h) to clarify conditions for obtaining release of bonds; and to amend Section 9-16-90(b)(10)(b.1.) to clarify performance standards; and to amend Section 9-16-92(a) by adding a provision authorizing entry on private land in the enforcement and administration of this Act; and to amend Section 9-16-94(e) by making willfully and knowingly engaging in surface coal mining operations without a license or a permit a criminal act and subject to criminal penalties and further providing for reclamation bond and reclamation of any land so affected; and to amend Section 9-16-105(a) to

provide for the conformity of Federal and state laws and regulations.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 63. Ways and Means.

S. 263. Ways and Means.

S. 468. Judiciary.

S. 466. State Administration.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Senator Kirkland (With Notice and Proof):

S. 477. Relating to the 21st Judicial Circuit of the state; providing further for an additional expense allowance for the district attorney, payable from the solicitor's fund of the said judicial circuit.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 477, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE,
Secretary.

Also:

By Senators Little and Corbett (With Notice and Proof):

S. 489. Relating to the 37th Judicial Circuit of Alabama; to provide that if a defendant in a criminal case enters a written plea of not guilty prior to his arraignment such plea shall constitute waiver of his right to have an arraignment at which he is present in person or represented by an attorney.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 489, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE,
Secretary.

Also:

By Senators Little and Corbett (With Notice and Proof):

S. 490. To provide for the filing for record and the preservation of all orders and judgments made and entered by any judge of the circuit court of the 37th Judicial Circuit of Alabama.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 490, AS REQUIRED IN THE GENERAL

ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE,
Secretary.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 477. Local Legislation No. 1.

S. 489. Local Legislation No. 1.

S. 490. Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Senator Proctor:

S. 296. To exempt the Association for Retarded Citizens of Alabama, Inc., and its affiliated units not otherwise exempt, from the payment of all state, county and municipal sales and use taxes.

Also:

By Senators Mitchem and Little:

S. 189. To amend Section 29-4-49, Code of Alabama 1975, which provides for the employment of legislative employees for the finance and taxation committee and the ways and means committee, so as to provide further for said employees.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 296. Ways and Means.

S. 189. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Senators Amari, Hilliard, Bishop, deGraffenried, Harrison, Corbett, Dixon, Smith (J), Denton, Cabaniss, Aldridge, Holmes, Goodwin, Parsons, Cooley, Bedsole, Figures, Pearson, Bachus, Bailey, Robertson,

Covington, Foshee, Menton, Little and Boyington:

S. 369. To establish the Senior Citizens Hall of Fame for the purposes of honoring persons making certain contributions for the betterment of the lives of older American citizens; to provide for the membership and election; to create a committee appointed by the Governor, and providing duties, powers and life of such committee; to provide for a chairman and clerical assistance and the conduct of its business; and to provide for the reimbursement of the actual and necessary expenses of the members of the committee.

Also:

By Senators Little and Corbett:

S. 143. To amend Section 32-5A-154, Code of Alabama 1975, which prohibits overtaking and passing school busses, so as to increase the penalties for violations.

Also:

By Senator Bedsole:

S. 185. To amend Section 16-39-7, Code of Alabama 1975, which provides for the allocation of teacher units for exceptional children, so as to authorize local legislation which would authorize up to twenty percent (20%) of the local school board's exceptional children teacher unit allocation to be used for teaching intellectually gifted children.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 369. State Administration.

S. 143. Judiciary.

S. 185. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Senator Parsons:

S. 139. To establish that contributory negligence shall not bar recovery of damages, and to adopt comparative negligence, with a rule of no set-off of damages.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate

Standing Committee as follows:

S. 139. State Administration.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Senator Cooley (With Notice and Proof):

S. 355. To further amend Section 1 of Act No. 103, H. 372, Regular Session, 1963 (Acts of Alabama 1963, p. 486) as amended so as to further provide for the salary of the superintendent of education of Walker County.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 355, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE,
Secretary.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 355. Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate bills and ordered same sent forthwith to the House without engrossment:

By Senator Keener:

S. 207. To provide for the payment by any gas system operated by any investor-owned company, county, municipality, or public gas district which comes under the supervision of the Alabama Public Service Commission for the purpose of enforcing the Natural Gas Pipeline Safety requirements of Section 37-4-80, et sequence, Code of Alabama 1975 of a fee of $.50 per active service line per year for each active service line in said system.

Also:

By Senators Bailey and Bedsole:

S. 303. To amend section 44-1-38, Code of Alabama 1975, relating to the maintenance of certain records of youth by the department of youth services so as to permit the destruction of such records.

Also:

By Senators Keener and Dixon:

S. 109. To provide for the protection of state employees, agents, or servants for certain wrongful acts or omissions committed while in the per-

formance of their official duties in the line and scope of their employment through the purchase of liability insurance or through the self-insurance of the several state departments, agencies, boards or commissions; to provide a procedure for the notification of the State Attorney General of suits against state employees for acts committed in the performance of their official duties in the line and scope of their employment; and to provide that the costs of such liability insurance or self-insurance shall be paid from funds appropriated to the several departments, agencies, boards or commissions for operation.

Also:

By Senator Mitchem:

S. 331. To make an appropriation in the amount of Six Million Five Hundred Thousand Dollars ($6,500,000), consisting of a supplemental appropriation for the period ending September 30, 1983 and an appropriation for the period commencing October 1, 1983 and ending December 31, 1983, from monies comprising Trust Capital of The Alabama Heritage Trust Fund created by an amendment to the Constitution of Alabama of 1901, proposed by Act No. 81-1178, 1981 Third Special Session, for the purpose of payment by the State of Alabama of expenses requisitioned on or prior to midnight December 31, 1983 by the Alabama Housing Finance Authority in the exercise of the powers granted to it by law.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 207. Ways and Means.

S. 303. Public Welfare.

S. 109. State Administration.

S. 331. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Senator Keener:

S. 208. To amend Section 37-3-32, Code of Alabama 1975, to increase registration fees of motor carriers operating over the state highways; to provide for the disposition of such fees to the public service commission, to the motor carrier fund, and to the state road and bridge fund; and to provide for reciprocity agreements with other states regarding payment of said fees.

Also:

By Senator deGraffenried:

S. 227. To create a preretirement death benefit program which shall be effective to all employees covered under the Teachers' Retirement System of Alabama and the Employees' Retirement System of Alabama and to

provide for the administration thereof. To give the boards of control authority to provide said death benefit in the form of group life insurance upon determination that to do so would generate a more favorable tax treatment to the beneficiaries to whom said benefit is payable, and to provide for the implementation of said program. To further provide and define the corporate powers and status of the Teachers' Retirement System and the Employees' Retirement System.

Also:

By Senator Bedsole:

S. 295. To amend further Code of Alabama 1975, Title 33, Section 48, as amended, which relates to the pay of pilots, by revising the schedule of pilots' fees.

Also:

By Senator Barron:

S. 129. To authorize the State Health Department to establish training programs for persons interested in qualifying to perform soil percolation tests and soil borings. Further authorizing the Health Department to charge necessary registration fees for attending the course, to help offset any expenses. To further authorize members of the County Health Departments to assist in performing tests and to charge a fee to recover the actual expenses incurred.

Also:

By Senator deGraffenried:

S. 120. To amend the Alabama Business Corporation Act so as to provide the procedure for acquisition of stock in any corporation through exchange of stock by another corporation; to provide for the right of a shareholder to dissent from such exchange; to prescribe a dissenting shareholder's right; to provide that the provisions of the Act are severable; and to prescribe an effective date.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 208. Ways and Means.

S. 227. Ways and Means.

S. 295. State Administration.

S. 129. Health.

S. 120. Judiciary.

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the within House Bills hereinafter mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Secretary of State at 8:59 A.M. on June 23, 1983.

H. 514 (Constitutional Amendment)

Delivered to the Governor at 1:10 P.M. on June 23, 1983.

H. 129

H. 130

JOHN W. PEMBERTON,
Clerk.

ADJOURNMENT

On motion of Rep. Goodwin and pursuant to the resolution, H. R. 309, heretofore adopted, the House adjourned until 3:00 o'clock p.m., Tuesday, June 28, 1983.

Yeas 48; Nays 43.

Yeas:

Reps.: Albright, Ashley, Bennett, Boles, Bowling, Box, Brakefield, Bryant, Buskey, Campbell, Carothers, Clark, Davis, Dutton, Escott, Freeman, Goodwin, Grimsley, Hall, Hammett, Harper, Harvey, Hettinger, Horn, Howard, Junkins, Kennedy, Kvalheim, Langford, Manley, Mathis, Melton, Minus, Murphy, Nevett, Nicholson, Rice, Rogers, Seibels, Starkey, Starr, Thomas, Thornton, Trammell, Tucker, Turnham, Williams and Wilson.

—48

Nays:

Mr. Speaker, Adams, Blake, Blakeney, Brooks, Browder, Butler, Carter, Casey, Clikas, Crow, Flowers, Ford, Gaston, Grouby, Holley, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Laird, Lauderdale, Layton, Lewis, McMillan, Mitchell, Moore, Newman, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Richardson, Sasser, Smith, Waggoner, Warren, White (F.), White (L.), Wright and Zoghby.

—43

TWENTY-SECOND DAY

House of Representatives
Montgomery, Alabama
Tuesday, June 28, 1983

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Rev. Wedzell Escott, Pastor, New Israel Independent Methodist Church, Birmingham, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Carothers, Carter, Casey, Clark, Clikas, Coleman, Cosby, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Lewis, McKee, McMillan, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

—101

A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the twenty-first legislative day and finds the same to be correct.

JOHN CASEY,
Chairman.

On motion of Rep. Casey, the rules were suspended and the reading at length of the Journal of the House for the twenty-first legislative day was dispensed with and the Standing Committee on Rules was concurred in and adopted, and the Journal for the twenty-first legislative day was approved.

LEAVE OF ABSENCE

At the request of Rep. Casey, leave of absence was granted for Rep. Coburn.

At the request of Rep. Crow, leave of absence was granted for Rep. Campbell.

At the request of Rep. Poole, leave of absence was granted for Rep. Manley.

RESOLUTIONS

The following resolutions were introduced:

By Rep. Johnson (Roy):

H. R. 331. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That when we adjourn today, Tuesday, June 28, 1983, we adjourn to meet again on Wednesday, June 29, 1983, at 3:00 p.m.

On motion of Rep. Johnson (Roy), the rules were suspended and the resolution, H. R. 331, was adopted.

Also:

By Rep. Johnson (Roy):

H. J. R. 332. WHEREAS, the Joint Commission on Accreditation of Hospitals, a private, non-profit organization, which was created by and com-

posed of health care professionals has inspected Druid City Hospital, and

WHEREAS, the Joint Commission on Accreditation of Hospitals, which is governed by representatives of the American College of Surgeons, the American College of Physicians, the American Dental Association, the American Hospital Association and the American Medical Association, and

WHEREAS, the Joint Commission on Accreditation of Hospitals promotes quality health care through establishing high standards, conducting on-site surveys of facilities and awarding accreditation to facilities that meet these standards, and

WHEREAS, these standards are described as "optimal achievable" because they reflect the best of current thinking in the field because the standards are revised periodically and are developed to keep the level of care consistent with current knowledge, techniques and government regulations, and

WHEREAS, a Joint Committee on Accreditation of Hospitals survey team, including a physician, nurse, hospital administrator, and laboratory technologist, visited and evaluated the performance of Druid City Hospital in twenty-four different areas,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, congratulate Druid City Hospital on becoming accredited in 1983 by the Joint Commission on Accreditation of Hospitals and providing the optimal standard of care for the citizens of Alabama.

On motion of Rep. Johnson (Roy), the rules were suspended and the resolution, H. J. R. 332, was adopted.

Also:

By Rep. Johnson (Roy):

H. J. R. 333. TO ESTABLISH A JOINT LEGISLATIVE COMMITTEE TO OVERSEE A SPECIAL AUDIT OF THE TEACHERS' RETIREMENT SYSTEM AND EMPLOYEES' RETIREMENT SYSTEM OF ALABAMA.

WHEREAS, the legislature is receiving very disturbing rumors about the nature of some of the investments being made by the Retirement Systems of Alabama; and

WHEREAS, the legislature feels that it would be in the best interest of both of the Retirement Systems of this state that a completely independent in-depth audit be made of the affairs of the Retirement Systems; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint committee to oversee an audit of the Teachers' Retirement System and the State Employees' Retirement System of Alabama. Said committee shall be composed of six members who shall be appointed from the Legislature. The Speaker of the House shall appoint three members and the Lieutenant Governor shall appoint three members from the House and Senate respectively.

The committee shall meet as soon after their appointment as practical and choose one of their members as chairman and another as vice chairman and shall proceed to choose a reputable and independent accounting firm doing business in the State of Alabama to conduct a thorough and complete

audit of the affairs and business of the Teachers' Retirement System of Alabama and the State Employees' Retirement System of Alabama.

The fees and expenses of said accounting firm in the conduct of said audits shall be paid out of any funds appropriated to the use of the legislature upon the direction of the committee. Copies of the audit and any reports connected therewith shall be filed with the committee, the Speaker of the House and the Lieutenant Governor as soon as practical.

BE IT FURTHER RESOLVED, That upon request of the chairman, the Clerk of the House and the Secretary of the Senate shall provide such clerical assistance as may be necessary for the committee's work. Each legislative member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee, upon warrants drawn on the state comptroller upon requisitions signed by the chairman. Provided, however, that members shall not receive additional legislative compensation or per diem when the legislature is in session but they shall receive their travel expenses for all meetings attended and any travel upon the business of the committee within and without the state. All expenses for travel, per diem, salaries, benefits, clerical assistance, supplies and costs incurred as a result of this resolution shall be paid out of any funds appropriated to the legislature, in accordance with law.

BE IT FURTHER RESOLVED, That this resolution expressedly repeals H. J. R. 290.

On motion of Rep. Johnson (Roy), the rules were suspended and the resolution, H. J. R. 333, was adopted.

S. 373 RE-REFERRED

No objection being offered, the Speaker re-referred the bill, S. 373, from the Standing Committee on Ways and Means to the Standing Committee on Judiciary.

RESOLUTIONS

The following resolutions were introduced:

By Reps. Bowling and Drake:

H. J. R. 334. COMMENDING THE JOINT COMMISSION ON ACCREDITATION OF HOSPITALS.

WHEREAS, the Joint Commission on Accreditation of Hospitals, a private, non-profit organization, which was created by and composed of health care professionals has inspected Cullman Medical Center, and

WHEREAS, the Joint Commission on Accreditation of Hospitals, which is governed by representatives of the American College of Surgeons, the American College of Physicians, the American Dental Association, the American Hospital Association and the American Medical Association, and

WHEREAS, the Joint Commission on Accreditation of Hospitals promotes quality health care through establishing high standards, conducting on-site surveys of facilities and awarding accreditation to facilities that meet these standards, and

WHEREAS, these standards are described as "optimal achievable" because they reflect the best of current thinking in the field because the standards are revised periodically and are developed to keep the level of care

consistent with current knowledge, techniques and government regulations, and

WHEREAS, a Joint Committee on Accreditation of Hospitals survey team, including a physician, nurse, hospital administrator, and laboratory technologist, visited and evaluated the performance of Cullman Medical Center in twenty-four different areas,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, congratulate Cullman Medical Center on becoming accredited in 1983 by the Joint Commission on Accreditation of Hospitals and providing the optimal standard of care for the citizens of Alabama.

On motion of Rep. Bowling, the rules were suspended and the resolution, H. J. R. 334, was adopted.

Also:

By Rep. Coleman:

H. J. R. 335. CONGRATULATING JESSE BROWN OF ARAB, ALABAMA ON BECOMING CHAIRMAN OF THE ALABAMA HOSPITAL ASSOCIATION FOR THE YEAR 1983-1984.

WHEREAS, Jesse Brown, Administrator of Arab Hospital, was installed as Chairman of the Alabama Hospital Association during the Association's 62nd Annual Convention in Huntsville, and

WHEREAS, Jesse Brown is a native of Marshall County and holds a Bachelor's Degree from the University of Alabama and a Master's Degree from the University of South Carolina, and

WHEREAS, Jesse Brown is a graduate of the Advanced Health Service Administrator Development Program at the University of Alabama in Birmingham, and

WHEREAS, Jesse Brown is not only active in the Alabama Hospital Association, he serves as President of the Arab Rotary Club, he is a member of the Marshall-Jackson Mental Health Board of Trustees and a member of the Reserve Officer's Association of the United States, therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, we congratulate Jesse Brown of Arab, Alabama on becoming Chairman of the Alabama Hospital Association for the year 1983-1984.

On motion of Rep. Coleman, the rules were suspended and the resolution, H. J. R. 335, was adopted.

Also:

By Reps. Butler and Carter:

H. R. 336. REQUESTING PRISON COMMISSIONER TO URGE CONTRACTOR OR CONTRACTORS OF STATE CORRECTIONAL FACILITY LOCATED IN LIMESTONE COUNTY TO HIRE LOCAL PEOPLE AND BUY EQUIPMENT AND SUPPLIES LOCALLY, WHEN POSSIBLE.

WHEREAS, there is presently under construction in Capshaw, Alabama, in Limestone County a state correctional facility; and

WHEREAS, the unemployment rate in Capshaw is 14%; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, That this body strongly urges the state prison commissioner to contact the contractor or contractors of the facility in Capshaw and urge or persuade such contractor or contractors to hire personnel and buy materials and equipment from the Capshaw area, where possible.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to the prison commissioner.

On motion of Rep. Butler, the rules were suspended and the resolution, H. R. 336, was adopted.

Also:

By Reps. Starkey and Ashley:

H. J. R. 337. COMMENDING THE JOINT COMMISSION ON ACCREDITATION OF HOSPITALS.

WHEREAS, the Joint Commission on Accreditation of Hospitals, a private, non-profit organization, which was created by and composed of health care professionals has inspected Colonial Manor Hospital, and

WHEREAS, the Joint Commission on Accreditation of Hospitals, which is governed by representatives of the American College of Surgeons, the American College of Physicians, the American Dental Association, the American Hospital Association and the American Medical Association, and

WHEREAS, the Joint Commission on Accreditation of Hospitals promotes quality health care through establishing high standards, conducting on-site surveys of facilities and awarding accreditation to facilities that meet these standards, and

WHEREAS, these standards are described as "optimal achievable" because they reflect the best of current thinking in the field because the standards are revised periodically and are developed to keep the level of care consistent with current knowledge, techniques and government regulations, and

WHEREAS, a Joint Committee on Accreditation of Hospitals, survey team, including a physician, nurse, hospital administrator, and laboratory technologist, visited and evaluated the performance of Colonial Manor Hospital in twenty-four different areas,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, congratulate Colonial Manor Hospital on becoming accredited in 1983 by the Joint Commission on Accreditation of Hospitals and providing the optimal standard of care for the citizens of Alabama.

On motion of Rep. Starkey, the rules were suspended and the resolution, H. J. R. 337, was adopted.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Rep. Kvalheim:

H. R. 338. COMMENDING MR. GEORGE DOWNING UPON HIS RETIREMENT AS PRESIDENT AND GENERAL MANAGER OF

WOMETCO MOBILE COCA-COLA BOTTLING COMPANY.

Also:

By Reps. Gaston and Kvalheim:

H. R. 339. COMMENDING JASON BRANTLEY MARTIN OF MOBILE, ALABAMA.

Also:

By Rep. Wilson:

H. R. 340. COMMENDING MR. JOHN WALTER STOWERS, CHAIRMAN OF THE BOARD, BIRMINGHAM BASEBALL CLUB, INC.

Also:

The following resolutions were introduced:

By Rep. Venable:

H. J. R. 341. COMMENDING COMMUNITY HOSPITAL OF TALLASSEE

WHEREAS, the Joint Commission on Accreditation of Hospitals, a private, non-profit organization, which was created by and composed of health care professionals has inspected Community Hospital of Tallassee, and

WHEREAS, the Joint Commission on Accreditation of Hospitals, which is governed by representatives of the American College of Surgeons, the American College of Physicians, the American Dental Association, the American Hospital Association and the American Medical Association, and

WHEREAS, the Joint Commission on Accreditation of Hospitals promotes quality health care through establishing high standards, conducting on-site surveys of facilities and awarding accreditation to facilities that meet these standards, and

WHEREAS, these standards are described as "optimal achievable" because they reflect the best of current thinking in the field because the standards are revised periodically and are developed to keep the level of care consistent with current knowledge, techniques and government regulations, and

WHEREAS, a Joint Committee on Accreditation of Hospitals survey team, including a physician, nurse, hospital administrator, and laboratory technologist, visited and evaluated the performance of Community Hospital of Tallassee in twenty-four different areas,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, congratulate Community Hospital of Tallassee on becoming accredited in 1983 by the Joint Commission on Accreditation of Hospitals and providing the optimal standard of care for the citizens of Alabama.

On motion of Rep. Venable, the rules were suspended and the resolution, H. J. R. 341, was adopted.

Also:

By Rep. Smith:

H. J. R. 342. COMMENDING DR. WAYNE TEAGUE, THE STATE BOARD OF EDUCATION AND THE DIVISION OF ADMINISTRATION

AND FINANCIAL SERVICES.

WHEREAS, a new school attendance record-keeping format has been designed by members of the State Department of Education and was piloted during the past school term in the Dallas County public schools; and

WHEREAS, the new system, represents a major advance that will be of direct benefit to teachers, principals and students statewide; and

WHEREAS, the teacher attendance record, as designed, will drastically decrease the man hours required, statewide, over a nine-month school year which is now estimated at some 340,000 hours; the size of the computerized register will total some 12 pages, as opposed to 120, thereby saving an estimated $35,000 in printing costs alone, not including shipping charges which of course will be an additional and sizeable savings for the State; and

WHEREAS, in addition to its monetary benefit, the new system—a joint effort of State Superintendent Dr. Wayne Teague, the Department of Education and the Division of Administration and Financial Services—the system as now designed will allow teachers to devote more time to their teaching duties; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend State Superintendent Dr. Wayne Teague, the State Department of Education and the Division of Administration and Financial Services for the notable accomplishment of their revised attendance record format; we further congratulate them on this advancement of major benefit to the entire public school system, and direct that a copy of this resolution be forwarded to the Department in expression of our sincere praise.

On motion of Rep. Smith, the rules were suspended and the resolution, H. J. R. 342, was adopted.

Also:

By Rep. Smith:

H. J. R. 343. COMMENDING THE BIRMINGHAM NEWS FOR ITS INITIATION OF "PROJECT HELP!"

WHEREAS, to fill an urgent need for numerous Alabamians, The Birmingham News initiated "Project Help!" which has distributed, since December, more than $100,000 in donations by individual citizens and organizations who have been exceedingly generous in their concern for others; and

WHEREAS, during these times of grave economic hardship, many needy families have exhausted all possible resources for assistance, and "Project Help!" has provided a temporary helping hand to those who suffer from longtime unemployment and those struck by tragedy, illness and other family crises; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend The Birmingham News and all those who have been a part of "Project Help!"—those who, in helping others, have demonstrated the strength of compassion and love.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to The News in expression of appreciation and on behalf of all those who have found hope through "Project Help!"

On motion of Rep. Smith, the rules were suspended and the resolution, H. J. R. 343, was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Senator Teague:

S. 284. To amend Section 27-41-17, Code of Alabama 1975, which provides for investments of insurance companies, so as to provide further for investments in common stocks or shares and capital stocks of American and any foreign sovereign nation corporations.

Also:

By Senator Teague:

S. 285. To amend Section 27-41-18, Code of Alabama 1975, which provides for investments of insurance companies, so as to provide further for investments in American insurance stocks.

Also:

By Senator Teague:

S. 286. To amend Section 27-41-36, Code of Alabama 1975, which prohibits certain investments by insurance companies, so as to provide further for the prohibited investments.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 284. Health.

S. 285. Health.

S. 286. Health.

BILLS ON SECOND READING

Rep. Casey, Chairman of the Standing Committee on Rules, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 632. To amend Section 17-16-6, Code of Alabama 1975, which relates to the time and place for holding primary elections, except special primary elections and presidential preference primaries, so as to provide that primary elections shall be held on the first Tuesday in June, and a runoff election, if necessary, shall be held on the fourth Tuesday thereafter, effective June 5, 1984, and thereafter.

Rep. Langford, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read

a second time and placed on the Calendar, to-wit:

H. 116. To amend Sections 13A-9-41, defining and prohibiting deceptive business practices, Section 13A-9-42, prohibiting false advertising, and Section 13A-9-43, prohibiting bait advertising, so that the Commissioner of Agriculture and Industries, with the approval of the State Board of Agriculture and Industries, is empowered to promulgate reasonable rules and regulations which conform to the provisions of the Alabama Administrative Procedures Act, for the better enforcement of the above Sections. Violations of these rules and regulations shall be considered a violation of the concerned Sections.

Rep. Langford, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 764. (With Amendment): To amend the Alabama Administrative Procedure Act, Act No. 81-855, Acts of Alabama 1981 (codified as Chapter 22, Title 41, Code of Alabama 1975), by specifically amending § 41-22-3, Code of Alabama 1975, relating to the definition of "agency" to include the Alabama Department of Environmental Management and to delete those exempted agencies which no longer exist, and relating to the definition of "rule" to exempt from that definition any form which is specifically required by federal statute or by federal rule or regulation, but providing that all forms must be on file with the secretary of the agency and with the legislative reference service and published in the agency administrative code and relating to the definition of "contested case" to exempt from that definition and the provisions of §§ 41-22-12 through 41-22-21, Code of Alabama 1975, tax assessments, determinations, redeterminations and appeals, and related procedures and adjudicative proceedings which are governed by Title 40, Code of Alabama 1975 and which are governed by Article 7, Chapter 4, Title 25, Code of Alabama 1975 and certain pardon and parole hearings; by amending § 41-22-6, Code of Alabama 1975, relating to the effective dates of rules so as to permit an effective date of less than 35 days where the action is required by or to comply with a federal statute or regulation which requires adoption of a rule upon fewer than 35 days' notice; by amending § 41-22-8, Code of Alabama 1975, relating to the time limitation placed upon agency action upon a petition in writing requesting the adoption, amendment or repeal of a rule so as to grant an agency which has its next regularly scheduled meeting beyond said 60-day period, the authority upon written notice to extend the period for not more than 30 days within which to deny or initiate rule-making proceedings; by amending § 41-22-11, Code of Alabama 1975, to correct appeals reference; by amending § 41-22-12, Code of Alabama 1975, relating to contested cases to permit, where now permitted by existing statute, delivery of notice of hearing by first-class mail, postage prepaid, to be effective upon the deposit of the notice in the mail; and further to provide that where the statutory determinative process is a multilevel procedure, the opportunity to present evidence need be afforded at only one level in the process unless otherwise provided by statute; by amending § 41-22-13, Code of Alabama 1975, relating to rules of evidence so as to provide that, where judicial review is by a trial de novo, it is not necessary to make objections or for the agency to rule upon objections during a hearing, where such procedure is announced in advance of hearing, but requires the agency in such case to consider only such testimony and evidence as is relevant, material, competent and legal; by amending § 41-22-16, Code of Alabama 1975, relating to final decisions and orders to provide that notification of all orders, except the final order, may where permitted by ex-

isting statute, be delivered by first-class mail, postage prepaid and delivery to be effective upon deposit of the notice in the mail; by amending § 41-22-20, Code of Alabama 1975, relating to judicial review of contested cases to require that a cost bond must be filed with the agency in order to initiate appeal or review; to make the 30-day period within which to appeal or to institute judicial review uniform in all cases, to provide for appeal or review by the courts by a trial de novo where permitted to existing or future statute; to provide that appeals from agency orders may also be filed in the circuit court of Montgomery County; by amending § 41-22-21, Code of Alabama 1975, relating to appeals from final judgments of circuit courts to require that an appeal must be taken to the appropriate appellate court within 42 days from entry of judgment; amending §§ 41-22-25 and 41-22-27, Code of Alabama 1975, to clarify the effective date and publication date of the Alabama Administrative Procedure Act; and repealing the exemption of the Alabama Department of Environmental Management as set forth in Section 14(d) of Act No. 82-612, Acts of Alabama 1982.

Rep. Langford, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 120. To amend the Alabama Business Corporation Act so as to provide the procedure for acquisition of stock in any corporation through exchange of stock by another corporation; to provide for the right of a shareholder to dissent from such exchange; to prescribe a dissenting shareholder's rights; to provide that the provisions of the Act are severable; and to prescribe an effective date.

S. 119. To be known as "The Revised Alabama Professional Corporation Act" revising the laws of Alabama in Title 10 of the Code of Alabama 1975, as amended, providing for: application of business corporation act and short title, application of business corporation act and nonprofit corporation act, definitions, purposes, applicability, general powers, rendering professional services, corporate name, issuance and transfer of shares and share certificates, death or disqualification of a shareholder, liability, professional relationships including privileged communications, voting trusts, directors and officers, amendments to articles of incorporation, merger and consolidation, involuntary dissolution at request of licensing authority, admission of foreign professional corporations, revocation of certificate of authority, annual report of domestic and foreign professional corporations, interrogatories by licensing authority, penalties and remedies, regulation of professional corporations, application to existing corporations; repealing Article 11 of Chapter 4, Title 10, Code of Alabama (1975); amending Section 10-10-2, Code of Alabama (1975); and providing that Title 10, Article 10, Code of Alabama shall only apply to unincorporated associations organized before the effective date of this Act.

Rep. Langford, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 544. (With Substitute): To provide a Crime Victims Compensation Commission, procedures relating to their appointment, terms, compensation, powers and duties; to provide provision for office, support, staff and secretarial services of such commission; to provide for awards for compensation, for economic loss under certain circumstances to qualified applicants;

to provide for the limiting of awards under certain circumstances; to provide restrictions for Commission authority as to claimant and possible collateral source benefits; to provide for medical examination requirements including limited waiver of physician-patient privilege; to provide award without requirement of prosecution or conviction of any individual; to provide procedures for subrogation rights; to provide for special types of awards procedures; to provide for annual reports and their distribution; to provide further for audits of the Commission; to provide further for surety bond of members, agents and employees; to provide further for the Alabama Crime Victims Compensation Fund and payments thereto by certain persons; to provide further for the taxing or assessing of additional court costs, assessments or penalties; to provide further for the exemption of compensation from state or municipal taxation and certain writs of garnishment or attachment; to provide further for discretionary contributions by county and municipal governments; to provide further for certain persons to be ineligible for compensation; to provide further for criminal penalties to be attached to certain acts by members, agents, or employees of the Commission; to provide further for other criminal penalties in regard to claimants and other persons who perform certain acts or omissions; to provide further for other criminal penalties for persons who perform certain acts in regard to monies or securities of the Commission held in trust or otherwise; and to provide further for other criminal penalties in regard to false claims.

Rep. Langford, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 798. To provide for the criminal offense of theft of trade secrets and to prescribe penalty for conviction of such offense.

Rep. Martin, Chairman of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bill and ordered same returns to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

S. 196. (With Amendment): To amend Section 11-47-15 of the Code of Alabama 1975, to extend to twenty-five miles, the distance within which any city or town may construct and maintain wharves and wharf sites and collect wharfage dues and other charges thereon and otherwise operate such facilities as authorized by said Section.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1 reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with amendment, and they were severally read a second time and placed on the Calendar, to-wit:

H. 218. (With Amendment): Relating to Jackson County; providing for the establishment of a consolidated and unified system for assessment and collection of taxes, under the supervision of an elected county official designated as county revenue commissioner; providing for the compensation of such official; repealing conflicting laws; and providing for a referendum.

H. 222. (With Amendment): Relating to Jackson County; providing for the county governing body to reimburse the office of tax collector and probate judge for any monetary loss resulting from the performance of official duties for errors or mistakes made in good faith, not to exceed a certain

maximum per annum; and providing such funds shall be payable from the general fund of the county.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1 reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 772. Relating to Henry County only; fixing the fee for issuance of a pistol permit by the sheriff; providing for the distribution and use of such fees; and repealing all laws in conflict herewith.

H. 773. Relating to Henry County; providing for the establishment of a consolidated and unified system for assessment and collection of taxes, under the supervision of an elected county official designated as county revenue commissioner; providing for the compensation of such official; and repealing conflicting laws.

S. 355. To further amend Section 1 of Act No. 103, H. 372, Regular Session, 1963 (Acts of Alabama 1963, p. 486) as amended so as to further provide for the salary of the superintendent of education of Walker County.

S. 440. Relating to Calhoun County; amending Section 9 of Act No. 154, H. 746, of the 1965 Regular Session, which created the office of commissioner of licenses in certain counties classified on a population basis, so as to provide further for fees collected for issuing motor vehicle license tags by mail.

H. 797. To amend Section 5 of Act No. 82-362, H. 772, of the Regular Session of 1982, relating to the compensation of deputy sheriffs in Calhoun County, so as to clarify the date on which such act shall become effective.

H. 801. Relating to Walker County; providing an additional expense allowance for the coroner.

RESOLUTION

The following resolution was introduced:

By Rules Committee:

H. R. 344. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That the following business in the order named be made the special, paramount and continuing order of business beginning June 28, 1983, taking precedence over any other business of the House.

Report of Standing Committees

Introduction of Bills and Resolutions

Uncontested Local Bills

Unfinished Business

And the Following Bills:

By Mr. Langford:

H. 649 p. 111 ASU, trustees

By Mr. Mitchell:

H. 494 p. 58 Funeral homes

By Mr. Teague:

S. 484 p. 7-S Legislature, appropriation

By Mr. Teague:

S. 306 p. 11-S Printing of acts and journals

By Mr. Lewis:

H. 264 p. 136 DUI bill

By Mr. Casey:

H. 396 p. 29 Post-secondary merger bill

By Mr. Biddle:

H. 110 p. 33 Real Estate Commission

By Mr. Carothers:

H. 149 p. 34 Territorial bill, beer

By Mr. Dutton:

H. 691 p. 126 Absentee ownership, lands

By Mr. Turner:

H. 758 p. 142 Sewers

By Mr. Albright:

H. 126 p. 142 Commission of Labor, lay-offs

By Mr. Drinkard:

H. 373 p. 117 Homestead exemptions

By Mr. Brooks:

H. 630 p. 107 Windshields, motor vehicles

By Mrs. Zoghby:

H. 693 p. 126 Capitol renovation

By Mr. Campbell:

H. 509 p. 134 Banking bill

By Mr. Cosby:

H. 534 p. 150 Sales tax, contractors

By Mr. Cosby:

H. 535 p. 151 Use tax, contractors

By Mr. Coleman:

H. 450 p. 81 Time sharing facilities

By Mr. Coleman:

H. 612 p. 67 Housing Authority

By Mr. Owens:

H. 215 p. 3 State personnel board

By Mr. Stout:

H. 421 p. 38 Counselors

By Mr. Bennett:

H. 344 p. 39 School trustees

By Mr. Campbell:

H. 313 p. 54 Sale of abandoned motor vehicles

By Mr. Bennett:

H. 380 p. 118 Motor Vehicle Safety Responsibility Act

By Mr. Casey:

H. 633 p. 109 State income tax check-off

By Mr. Holley:

H. 626 p. 81 Veterinary Medical Examiners

By Mr. Murphy:

H. 453 p. 41 Totally disabled, free to all state parks

By Mr. Smith:

H. 387 p. 102 Notification bill

By Mr. Turnham:

H. 354 p. 49 Supernumerary, tax assessors/collectors

By Mr. Crow:

H. 301 p. 42 Fishing licenses, 65 years old, older

By Mr. Stout:

H. 94 p. 108 Veterans funerals

By Mr. Grouby:

H. 305 p. 101 Forestry bill

By Mr. White (L):

H. 174 p. 16 Water works sewer board

By Mr. Turnham:

H. 233 p. 52 Certificate title bill

By Mr. Adams:

H. 227 p. 46 Prison reimbursement

By Mr. Martin:

H. 230 p. 104 Good Samaritan law, hazardous waste

By Mr. Martin:

H. 231 p. 10 Special permits oversized loads

By Mr. Wilson:

H. 461 p. 87 State employees retirement

By Mr. Ford:

H. 496 p. 84 Small loans

By Mr. Bennett:

H. 165 p. 22 Credit unions

By Mr. Buskey:

H. 152 p. 118 Adult adoptions

By Ms. Kennedy:

H. 515 p. 109 Telephone communications bill

By Mr. Manley:

H. 512 p. 112 Territorial bill

By Mr. Melton:

H. 537 p. 127 Continuing education, hearing aids

By Mr. Smith:

H. 575 p. 133 Corporate officers, workmens comp.

By Mr. Layton:

H. 574 p. 68 Senior Citizens Hall of Fame

By Mr. White (L):

H. 681 p. 139 Third Party Prescriptions

By Mr. Langford:

H. 402 p. 27 Political rights, employees

By Mr. Hettinger:

H. 27 p. 121 Teachers, communications, controlled substance

By Mr. Wilson:

H. 329 p. 20 Mobile homes

By Mr. Biddle:

H. 722 p. 130 Health Advisory Councils

By Mr. Boles:

H. 307 p. 105 Child support

By Mr. Harper:

H. 63 p. 39 Bait bill

By Mr. Gaston:

H. 529 p. 92 State fire marshalls

By Mr. Manley:

H. 624 p. 118 Controlled drugs

By Mr. Junkins:

H. 724 p. 141 Industrial relations, officer

On motion of Rep. Casey, the resolution, H. R. 344, was adopted.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Reps. Moore, Murphy and Smith (With Notice and Proof):

H. 815. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Wilsonville, in Shelby County, to provide for a referendum election of the qualified electors who reside within the territory proposed to be brought within the municipal limits of Wilsonville.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 815, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Reps. Rains, Coleman and Harvey (With Notice and Proof):

H. 816. Relating to Marshall County; to provide that all county commissioners shall serve full time; providing for compensation; and providing for retroactive effect.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 816, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Reps. Parker, Martin and Dutton (With Notice and Proof):

H. 817. Relating to Morgan County; permitting banks now or hereafter situated in Morgan County to establish, maintain or operate branch banks and branch offices within the corporate limits of Flint, Alabama, for the conduct of a general banking and trust business.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 817, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. White (L) (With Notice and Proof):

H. 818. Relating to Tallapoosa County; amending Act No. 79-565, S. 200, 1979 Regular Session, which provides for a pistol permit fee in the county, so as to provide further for said fee.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 818, AS REQUIRED IN THE GENERAL

ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. McKee:

H. 819. To provide for a time period within which legal actions against architects, contractors, builders, engineers and others may be brought.

Judiciary.

By Reps. Mitchell, Owens, Johnson (Roy), Poole and Melton (With Notice and Proof):

H. 820. Relating to Tuscaloosa County, to amend Sections 1 and 2 of Act No. 601, H. 1087, 1976 Regular Session (Acts 1976, p. 817), which act deals with the issuance of pistol permits in certain counties classified on a population basis, so as to provide further for fees and renewals.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 820, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Reps. Mitchell, Owens, Johnson (Roy), Poole and Melton (With Notice and Proof):

H. 821. To authorize a procedure whereby the sheriff of Tuscaloosa County, Alabama, is authorized to offer for public auction to the highest bidder for cash abandoned and stolen personal property which has been recovered by the sheriff's department of Tuscaloosa County and stored by said department but which has been unclaimed after six (6) months; to provide that such auctions are to be made after notice of the time and place thereof shall have been given publication once a week for two weeks in a newspaper of general circulation published in Tuscaloosa County, Alabama, or by posting in a conspicuous place at the Tuscaloosa County courthouse; to provide that the first publication or posting of said notice shall be twenty days before the said auction; to provide a procedure for the conduct of said auction; to provide that the owner of any of the abandoned or stolen property recovered and stored by the sheriff of Tuscaloosa County, Alabama, may redeem the same at anytime prior to its sale by paying any reasonable storage or maintenance costs incurred and a pro rata cost of publication and further providing that after deducting and paying all expenses incurred in storing or auctioning the said property, all proceeds from the sale of said property shall be paid into the general fund of Tuscaloosa County, Alabama.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 821, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Reps. Carothers, Mathis, Grimsley and Williams:

H. 822. To provide for a time period within which legal actions against architects, contractors, builders, engineers and others may be brought.

Judiciary.

By Rep. Lewis (With Notice and Proof):

H. 823. To amend Section 1 of Act 499, H. 858, 1973 Regular Session (Acts of 1973, p. 738), relating to retirement allowances for elected officials in the City of Bessemer, so as to prevent said officials from participating in both the state and city retirement systems.

Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 823, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Coburn:

H. 824. To repeal Sections 35-6-100 through 36-6-104, Code of Alabama 1975, which relate to purchasing of interests by joint owners or tenants in common in partition proceedings.

Judiciary.

By Rep. Casey:

H. 825. To repeal Sections 40-17-220 through 40-17-225, Code of Alabama 1975, relating to the additional levy of tax on gasoline, motor fuel and lubricating oil, at the rate of $0.40 per gallon, and the collection, administration and distribution of said tax.

Ways and Means.

By Rep. Casey:

H. 826. To make an absolute appropriation from the State General Fund out of funds now or to become available to the named recipients in the amount indicated for the fiscal year ending September 30, 1983.

Ways and Means.

By Rep. Owens (With Notice and Proof):

H. 827. Relating to Bibb County; to provide further for the expense allowance for members of the board of education.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 827, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Owens (With Notice and Proof):

H. 828. Relating to Bibb County; to amend Section 1 of Act No. 81,

H. 530, Regular Session 1977 (Acts 1977, p. 119), relating to the issuance of pistol permits by the sheriff, so as to increase the fees thereof.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 828, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Owens (With Notice and Proof):

H. 829. Relating to Bibb County; authorizing the Bibb County Commission to levy a county privilege, license, or exercise tax on the sale, distribution, storage, use, or other consumption of tobacco and certain tobacco products in such county; providing for the collection and enforcement of the tax, and appropriating the proceeds therefrom.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 829, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Minus (With Notice and Proof):

H. 830. Relating to Greene County; amending Section 1 of Act No. 376, H. 1040, Regular Session 1975 (Acts 1975, p. 926), relating to the creation, composition, appointment and terms of the Greene County Racing Commission, so as to provide that the Governor shall make such appointments and increases the term of office.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 830, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Minus (With Notice and Proof):

H. 831. Relating only to Choctaw County, to further provide for the distribution of the tax levied by Act #82-344, Acts of Alabama, regular session 1982.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 831, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Holley:

H. 832. To provide that the governing body of any municipality, with a population of less than 5,000 persons, by resolution duly adopted, may

abolish or create a civil service system or other personnel board; to continue all rights interest and privileges which certain employees have in any civil service or merit system within any such municipality; to prescribe that the provisions of this act shall be construed in pari materia with Section 36-27-6, Code of Alabama 1975, permitting certain governing boards, including municipalities to elect to have its eligible officers and employees participate in the state retirement systems; and to repeal conflicting laws.

State Administration.

By Rep. Casey:

H. 833. To amend Sections 41-22-25 and 41-22-27 of the Code of Alabama 1975, to clarify the effective date and publication date of the Administrative Procedure Act, and to provide that the effective date of the contested case provisions shall be October 1, 1985.

State Administration.

By Rep. Wright (With Notice and Proof):

H. 834. Relating to Jefferson County; creating the "Vacation Change Amendment Act" to the Jefferson County Merit Service Act, as provided by Act No. 248, H. 580, of the 1945 Regular Session (Acts 1945, p. 376, et seq.), so as to further provide for the method of earning and accruing vacation and leave for all permanent employees of the Jefferson County Merit-System; and specifically repealing Section 19 of the said Act No. 248, H. 580, of the 1945 Regular Session and all conflicting laws.

Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 834, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. McMillan (With Notice and Proof):

H. 835. To make it unlawful to build, maintain or use an unsanitary sewage collection, treatment and disposal facility within Baldwin County, excluding certain plumbing within municipalities and the unincorporated areas of the county; to authorize the Baldwin County Health Department to adopt rules and regulations for the administration of this Act; to authorize the Baldwin County Health Department to require the installation of the required type and number of facilities in accordance with all applicable state regulations; to require the submission of certain plans and specifications relating to sewage collection, treatment and disposal to the Baldwin County Health Department; to provide for the approval of plans and specifications and issuance of permits for construction and installation of on-site sewage disposal systems; to require certificates of competency, issued by the Baldwin County Health Department, before any person, firm or corporation shall install, repair clean or maintain any on-site wastewater disposal system; to prescribe criteria for issuing and revoking such certificates of competency; to require a surety bond to assure compliance with the provisions of this act and to provide penalties for violation of this act. Nothing in this bill shall be construed as being in conflict with State Health Department rules or regulations.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 835, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Reed (With Notice and Proof):

H. 836. Relating to Macon County; providing that the members of the board of registrars shall be included in the county insurance program and providing retroactive effect.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 836, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Reed (With Notice and Proof):

H. 837. Relating to Macon County; to authorize the county governing body to pay an additional expense allowance to the circuit clerk in Macon County; and to give retroactive effect.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 837, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Reed (With Notice and Proof):

H. 838. Relating to Macon County; providing for an expense allowance for the coroner.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 838, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

RESOLUTION

The following resolution was introduced:

By Rep. Payne:

H. J. R. 345. COMMENDING MR. WILLIAM C. RATLIFF, JR., OF BIRMINGHAM, ALABAMA, RECIPIENT OF A REGIONAL "OUTSTANDING HANDICAPPED POSTAL EMPLOYEE OF THE YEAR" AWARD.

WHEREAS, the Alabama Legislature notes with utmost commendation the selection of Mr. William C. Ratliff, Jr., of Birmingham, Alabama, as the recipient of the Southern Region's 1983 "Outstanding Handicapped Postal Employee of the Year" award; and

WHEREAS, a Birmingham native, Mr. Ratliff is assigned to Birmingham's Avondale Station, and is a 12-year veteran with the United States Postal Service, employed as a letter carrier; and

WHEREAS, just 30 days following a hunting accident in 1979 which necessitated the amputation of a leg, Mr. Ratliff returned to light duty assignment for a period of ten weeks before resuming his regular carrier route; and

WHEREAS, despite his handicap, Mr. Ratliff has maintained an extraordinary work record which contains two letters of commendation from the postmaster—one for outstanding service and an additional letter of recognition and credit for saving the life of an injured hemophiliac; and

WHEREAS, Mr. Ratliff is a veteran of the United States Army with combat duty in Vietnam and was awarded the Soldier's Medal for heroism, also for saving another's life; and

WHEREAS, in community service, Mr. Ratliff is actively involved with coaching little league football, girls' basketball and women's softball, as well as in numerous other areas of community concern; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Mr. William C. Ratliff, Jr., of Birmingham, Alabama, as the Southern Region's "Outstanding Handicapped Postal Employee of the Year" for 1983; we further stand in tribute to his acts of heroism and bravery beyond the call of duty and direct that he receive a copy of this resolution in small token of our highest admiration and regard.

On motion of Rep. Payne, the rules were suspended and the resolution, H. J. R. 345, was adopted.

H. 424 TEMPORARILY POSTPONED

On motion of Rep. Box, consideration of the bill, H. 424, was temporarily postponed.

H. 747 TEMPORARILY POSTPONED

On motion of Rep. Langford, the bill, H. 747, was temporarily postponed.

SPECIAL ORDER

The House then proceeded with the consideration of the uncontested local bills on the Special Order Calendar.

And the bill:

H. 597. Relating to Etowah County, requiring the county to continue paying health insurance premiums for a certain period of time for certain employees laid off due to insufficient funds.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 35; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Blake, Blakeney, Bowling, Brakefield, Browder, Bryant, Casey, Clikas, Cosby, Escott, Gaston, Goodwin, Grimsley, Grouby, Hammett, Hettinger, Holmes, Junkins,

Kvalheim, Mitchell, Moore, Newman, Nicholson, Parker, Rice, Scott, Starkey, Venable, White (L), Wright and Zoghby.

—35

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 76. To amend Sections 1 and 2, Act No. 80-167, S. 299, Regular Session 1980 (Acts 1980, p. 245), relating to Morgan County and the distribution of payments made in lieu of ad valorem taxes by the Tennessee Valley Authority pursuant to Section 40-28-3, Code of Alabama 1975, so as to further provide for such distribution; and to further provide for the termination of the provisions of this Act.

Was read a third time at length and passed.

Yeas 44; Nays 0.

Yeas:

Mr. Speaker, Ashley, Bennett, Blake, Blakeney, Brakefield, Browder, Bryant, Butler, Clikas, Coleman, Dutton, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Hettinger, Holmes, Junkins, Kvalheim, Langford, Martin, Mathis, Mitchell, Moore, Newman, Nicholson, Parker, Rice, Richardson, Scott, Seibels, Smith, Starkey, Starr, Venable, Warren, White (L), Wilson, Wright and Zoghby.

—44

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 458. Relating to the City of Gadsden, Etowah County; providing for a preferential referendum on the question of a mayor-council form of government for the City of Gadsden; prescribing the time of the election; and repealing conflicting laws.

Was read a third time at length and passed.

Yeas 48; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Blake, Blakeney, Brakefield, Browder, Bryant, Butler, Clikas, Coleman, Escott, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Hettinger, Holley, Holmes, Johnson (Roy), Junkins, Kvalheim, Langford, Mathis, Mitchell, Moore, Murphy, Newman, Nicholson, Parker, Rice, Richardson, Scott, Seibels, Smith, Starkey, Starr, Thomas, Venable, Warren, White (L), Wilson, Wright and Zoghby.

—48

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

H. 698 TEMPORARILY POSTPONED

On motion of Rep. Zoghby, the bill, H. 698, was temporarily postponed.

And the bill:

H. 790. (With Amendment): Relating to Mobile County; providing for an annual distribution to Mobile United, Inc. from funds received by the county from the additional state sales tax levied on alcoholic beverages by section 28-3-280, Code of Alabama 1975.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 3, said committee amendment being as follows:

Amend H. 790: on Page 1, lines 15 and 21, after the word "county", by inserting the following language:

for the City of Mobile

Further amend H. 790, Page 1, lines 16 and 22, by deleting ~~section 28-3-280~~ and inserting in lieu thereof the following: Sections 28-3-280 and 28-3-281.

And the amendment was adopted.

Yeas 47; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Blake, Blakeney, Box, Brakefield, Brooks, Browder, Bryant, Butler, Clikas, Coleman, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Hettinger, Holley, Johnson (Roy), Junkins, Kvalheim, Laird, Mathis, Moore, Murphy, Newman, Nicholson, Owens, Parker, Poole, Rice, Richardson, Scott, Seibels, Smith, Starkey, Starr, Venable, White (L), Wilson, Wright and Zoghby.

—47

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 790. Relating to Mobile County; providing for an annual distribution to Mobile United, Inc. from funds received by the county for the City of Mobile from the additional state sales tax levied on alcoholic beverages by Section 28-3-280 and 28-3-281, Code of Alabama 1975.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 50; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Biddle, Blake, Blakeney, Box, Brakefield, Brooks, Browder, Bryant, Butler, Clikas, Coleman, Freeman, Gaston, Goodwin, Grimsley, Hall, Hammett, Harvey, Hettinger, Holley, Holmes, Johnson (Roy), Junkins, Kvalheim, Laird, Langford, Mathis, Moor, Murphy, Newman, Owens, Parker, Poole, Rice, Richardson, Scott, Smith, Starkey, Starr, Thomas, Venable, Warren, White (L), Wilson, Wright and Zoghby.

—50

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

RESOLUTION

The following resolution was introduced:

By Rep. Minus:

H. J. R. 346. COMMENDING THE JOINT COMMISSION ON ACCREDITATION OF HOSPITALS.

WHEREAS, the Joint Commission on Accreditation of Hospitals, a private, non-profit organization, which was created by and composed of health care professionals has inspected Hill Hospital of York, and

WHEREAS, the Joint Commission on Accreditation of Hospitals, which is governed by representatives of the American College of Surgeons, the American College of Physicians, the American Dental Association, the American Hospital Association and the American Medical Association, and

WHEREAS, the Joint Commission on Accreditation of Hospitals promotes quality health care through establishing high standards, conducting on-site surveys of facilities and awarding accreditation to facilities that meet these standards, and

WHEREAS, these standards are described as "optimal achievable" because they reflect the best of current thinking in the field because the standards are revised periodically and are developed to keep the level of care consistent with current knowledge, techniques and government regulations, and

WHEREAS, a Joint Committee on Accreditation of Hospitals survey team, including a physician, nurse, hospital administrator, and laboratory technologist, visited and evaluated the performance of Hill Hospital of York in twenty-four different areas,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, congratulate Hill Hospital of York on becoming accredited in 1983 by the Joint Commission on Accreditation of Hospitals and providing the optimal standard of care for the citizens of Alabama.

On motion of Rep. Minus, the rules were suspended and the resolution, H. J. R. 346, was adopted.

SPECIAL ORDER RESUMED

The House then proceeded with the consideration of the Unfinished Business on the Special Order Calendar.

And the bill:

H. 283. To amend Sections 28-3A-2 and 28-3A-25, Code of Alabama 1975, relating to definitions, violations and punishments of the state's alcoholic beverage control laws, so as to raise the minimum age of minors for purposes of buying and consuming alcoholic beverages to 21 years of age, and to provide further for penalties for selling such beverages to minors.

As amended on the twenty-first legislative day, was taken up.

MOTION TO TEMPORARILY POSTPONE TABLED

On motion of Rep. Smith, the motion offered by Rep. Holmes to temporarily postpone consideration of the bill, H. 283 as amended, was tabled.

Yeas 55; Nays 8.

Yeas:

Reps.: Adams, Ashley, Bennett, Biddle, Blakeney, Brooks, Browder, Butler, Carter, Casey, Clikas, Coleman, Cosby, Drinkard, Faulk, Flowers, Ford, Gaston, Grimsley, Grouby, Hall, Hammett, Harvey, Hettinger, Holley, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kvalheim, Laird, Lauderdale, Lewis, McKee, Mitchell, Moore, Murphy, Newman, Owens, Poole, Preuitt, Rains, Rice, Scott, Seibels, Smith, Starkey, Stout, Trammell, Turner, Venable, Waggoner, Wilson and Zoghby.

—55

Nays:

Reps.: Box, Bryant, Davis, Horn, Langford, Nicholson, Rogers and Thornton.

—8

NOTICE IN WRITING

Rep. Drinkard filed the following Notice in Writing:

Having voted on the prevailing side by which the Drinkard amendment H. 283, as substituted, was adopted, I now move to re-consider the vote by which such amendment was passed.

MOTION TO RECONSIDER ADOPTED

Having voted on the prevailing side, Rep. Drinkard offered the motion to reconsider the vote by which the amendment #1 offered by him on the twenty-first legislative day, to the bill H. 283 as amended, was adopted, and the motion to reconsider was adopted.

AMENDMENT TABLED

The question was then on the amendment offered by Rep. Drinkard to the bill, H. 283 as amended, on the twenty-first legislative day, and on motion of Rep. Drinkard, the amendment #1 was tabled.

Yeas 74; Nays 0.

Yeas:

Reps.: Ashley, Bennett, Biddle, Blake, Blakeney, Box, Browder, Bryant, Butler, Carothers, Carter, Casey Clikas, Coleman, Cosby, Crow, Davis, Drinkard, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A.L.), Johnson (Roy), Junkins, Kvalheim, Langford, Lauderdale, McKee, McMillan, Martin, Mathis, Moore, Murphy, Newman, Nicholson, Owens, Parker, Penry, Poole, Preuitt, Rains Rice, Richardson, Rogers, Sasser, Scott Seibels, Smith, Starkey, Starr, Stout, Thornton, Tucker, Turner, Venable, Warren, White (L), Williams, Wilson, Wright and Zoghby.

—74

AMENDMENT OFFERED

Rep. Drinkard offered the following amendment #2 to the bill,

H. 283 as amended: In Section 1, page 5, subsection (18) entitled "Minor", delete entirely said subsection on page 5, lines 21 through 25, as amended, and insert in lieu thereof the following subsection (18):

"(18) MINOR. (a) Any person under 19 21 years of age. It is further provided, however, that persons who are 19 years of age or older as of the effective date of this amendatory act shall be considered adults under this chapter.

(b) It is the specific intent of this amendatory act that persons under 21 years of age shall not be prohibited from employment in any business establishment licensed by the board in which any alcoholic beverages are consumed or sold, either before or after the October 15, 1983 effective date of this amendatory act, any other laws or parts of law to the contrary notwithstanding.

Delete entirely Section 2, page 7, lines 30, 31 and 32, as amended, and insert in lieu thereof the following Section 2:

Section 2. The provisions of this act shall become effective October 15, 1983.

In the title, page 1, line 24, after the word "age", delete the period and add the following language:

, to provide certain exceptions, and to provide for an effective date of October 15, 1983.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 89; Nays 0.

Yeas:

Reps.: Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Butler, Carothers, Carter, Casey, Clikas, Coleman, Cosby, Davis, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kvalheim, Laird, Langford, Lauderdale, Lewis, McKee, McMillan, Martin, Mathis, Melton, Moore, Murphy, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith,

Starkey, Starr, Stout, Thomas, Thornton, Tucker, Turner, Venable, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

—89

AMENDMENT OFFERED

Rep. Dutton offered the following amendment to the bill, H 283 as amended:

Amend Substitute H. B. 283 by deleting subsection (18) where it appears in line 21 through line 25 on page 5 and substituting in lieu thereof the following:

(18) MINOR. Any person under 19 years of age. Provided, however, that for the purchase and consumption of liquor a minor shall be any person under 21 years of age.

AMENDMENT TABLED

On motion of Rep. Brooks, the amendment offered by Rep. Dutton to the bill, H. 283 as amended, was tabled.

Yeas 62; Nays 23.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Biddle, Blake, Blakeney, Boles, Brakefield, Brooks, Browder, Butler, Carter, Casey, Clikas, Coleman, Crow, Drinkard, Faulk, Flowers, Ford, Gaston, Grimsley, Grouby, Harvey, Holley, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Laird, Lauderdale, Lewis, McKee, McMillan, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Rice, Richardson, Sasser, Smith, Stout, Tucker, Turner, Venable, Warren, White (F), White (L) and Wilson.

—62

Nays:

Reps.: Bennett, Bowling, Box, Bryant, Buskey, Clark, Cosby, Davis, Freeman, Goodwin, Hall, Hettinger, Horn, Martin, Melton, Nicholson, Rogers, Scott, Seibels, Starkey, Starr, Thornton and Trammell.

—23

H. 807 RE-REFERRED

No objection being offered, the Speaker re-referred the bill, H. 807, from the Standing Committee on Ways and Means to the Standing Committee on State Administration.

H. 283 RESUMED

MOTION TO RECOMMIT TO END OF CALENDAR TABLED

On motion of Rep. Smith, the motion offered by Rep. Horn to recommit the bill, H. 283 as amended, to the end of the Special Order Calendar, was tabled.

Yeas 69; Nays 10.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Biddle, Blake, Blakeney, Bowling, Brakefield, Brooks, Browder, Butler, Carter, Casey, Coleman, Cosby, Crow,

Drinkard, Flowers, Gaston, Grimsley, Grouby, Hall, Hammett, Harvey, Hettinger, Holley, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kvalheim, Laird, Lauderdale, Lewis, McKee, McMillan, Martin, Mathis, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Rice, Richardson, Sasser, Scott, Smith, Stout, Trammell, Tucker, Turnham, Venable, Warren, White (F), White (L), Wilson, Wright and Zoghby.

—69

Nays:

Reps.: Box, Bryant, Buskey, Clark, Harper, Melton, Nicholson, Starkey, Starr and Thornton.

—10

And the bill:

H. 283. To amend Section 28-3A-2, Code of Alabama 1975, relating to definitions, violations and punishments of the state's alcoholic beverage control laws, so as to raise the minimum age of minors for purposes of buying and consuming alcoholic beverages to 21 years of age, to provide certain exceptions, and to provide for an effective date of October 15, 1983.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 79; Nays 7.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Brakefield, Brooks, Browder, Butler, Carothers, Carter, Casey, Clikas, Coleman, Cosby, Crow, Davis, Drinkard, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Grimsley, Grouby, Hall, Hammett, Harvey, Hettinger, Holley, Howard, Johnson (A.L.), Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lewis, McKee, McMillan, Martin, Mathis, Mitchell, Moore, Murphy, Nevett, Newman, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Rice, Richardson, Sasser, Seibels, Smith, Starr, Stout, Tucker, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

—79

Nays:

Reps.: Bryant, Buskey, Clark, Nicholson, Rogers, Starkey and Thornton.

—7

RESOLUTIONS

The following resolutions were introduced:

By Rep. Starkey:

H. J. R. 347. CREATING THE LEGISLATIVE JOINT INTERIM STUDY COMMITTEE FOR STANDARDIZING IN THE SOUTHEAST THE LEGAL AGE FOR THE CONSUMPTION OF ALCOHOLIC BEVERAGES.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created the Legislative joint interim study committee for standardizing in the southeast

the legal age for the consumption of alcoholic beverages. Said committee shall be composed of three members each from the House of Representatives and the Alabama Senate, appointed by the presiding officers of the respective bodies. The chairman and vice-chairman of the committee shall be elected at the first meeting from among its membership and meetings shall be held at the call of the chair.

RESOLVED FURTHER, That the said committee shall contact our neighboring southeastern states, i.e., Florida, Georgia, Mississippi and Tennessee to enter into negotiations for the purpose of studying and researching the medical, safety and other pertinent data in order to standardize the legal age for alcoholic consumption in Alabama and the said neighboring states. The said interim study committee shall study any and all facets of the question, report its findings and make its recommendations to the Alabama Legislature by the fifth legislative day of the 1984 Regular Session, at which time the committee shall be discharged from any further responsibilities and be dissolved.

FURTHER RESOLVED, That each member shall be entitled to his regular legislative compensation, his per diem and actual travel expenses and mileage, within and without the state, for each day he attends a meeting of the committee except when the legislature meets and for which he receives legislative pay. Said pay, per diem, mileage and expenses shall be paid out of any funds appropriated to the use of the Legislature, upon warrants drawn on the state comptroller upon requisition approved by the committee's chairman.

MOTION TO SUSPEND RULES AND ADOPT

Rep. Starkey offered the motion to suspend the rules and adopt the resolution, H. J. R. 347.

DIVISION OF THE QUESTION

Rep. Johnson (Roy) called for the Division of the Question and the call was sustained.

MOTION TO SUSPEND RULES LOST

Rep. Starkey offered the motion to suspend the rules in order to take up for immediate consideration the resolution, H. J. R. 347, and the motion was lost.

Yeas 19; Nays 29.

Yeas:

Reps.: Adams, Ashley, Box, Butler, Carter, Davis, Drinkard, Dutton, Escott, Hall, Hettinger, Lauderdale, Lewis, Melton, Nevett, Payne, Scott, Seibels and Tucker.

—19

Nays:

Reps.: Blakeney, Bryant, Clark, Flowers, Gaston, Grimsley, Harvey, Holley, Howard, Johnson (R.G.), Johnson (Roy), Kennedy, Kvalheim, Laird, McKee, Minus, Mitchell, Murphy, Newman, Owens, Poole, Rains, Richardson, Sasser, Stout, Turner, Warren, White (F) and Wilson.

—29

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

The resolution, H. J. R. 347, was read and referred to the Standing Committee on Rules.

Also:

By Rep. Rains:

H. J. R. 348. COMMENDING DR. THOMAS K. HEARN, JR., UPON HIS APPOINTMENT AS PRESIDENT OF WAKE FOREST UNIVERSITY.

WHEREAS, Alabamian, Doctor Thomas K. Hearn, Jr., was recently named to the presidency of Wake Forest University in Winston-Salem, North Carolina; and

WHEREAS, Thomas K. Hearn, Jr., Ph.D., is a true son of the State of Alabama in that he was born in Opp to Mr. and Mrs. Thomas K. Hearn and raised in Albertville where he received his early education; and

WHEREAS, he went on to graduate from Shades Valley High School and received his B.A. degree summa cum laude at Birmingham-Southern College before earning his M.A. at the University of North Carolina in Chapel Hill, his Bachelor of Divinity degree at Baptist Theological Seminary in Louisville, Kentucky, and his Ph.D. degree at Vanderbilt University; and

WHEREAS, he has served as professor and chairman of the Department of Philosophy at the University of Alabama in Birmingham (1974-76), dean of the UAB School of Humanities (1976-78), vice president of UAB's University College (1978-82) and senior vice president since December 1983; and

WHEREAS, he has consistently worked to increase UAB's community involvement and has been a major influence in the development of the arts and humanities in Alabama; and

WHEREAS, he has been a driving force in the effort to bring traditionally non-medical and medical disciplines together, and has helped develop doctoral programs in both biomedical engineering and medical psychology at UAB; and

WHEREAS, under his leadership UAB's non-health programs have developed into some of the most distinguished such programs in the United States; and

WHEREAS, Dr. Hearn has brought further honor to UAB and his state by receiving the appointment as President of Wake Forest University effective October 1, 1983; and

WHEREAS, he and his wife, Barbara Neely Hearn, and his three children—Thomas K. Hearn III, Lindsay Marie Hearn, and William Neely Hearn—are all expected to continue to serve as outstanding representative citizens of the State of Alabama regardless of their places of residence; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH

HOUSES THEREOF CONCURRING, That we hereby most highly commend Dr. Thomas K. Hearn on his recent appointment to the presidency of Wake Forest University; we further wish him every continuing success and direct that he receive a copy of this resolution in declaration of our sincere warm praise and highest personal regard.

On motion of Rep. Rains, the rules were suspended and the resolution, H. J. R. 348, was adopted.

Also:

By Rep. Goodwin:

H. J. R. 349. EXTENDING A CORDIAL INVITATION TO AMERICA'S JUNIOR MISS, STEPHANIE KAY ASHMORE OF MUSCLE SHOALS, TO APPEAR BEFORE THE LEGISLATURE.

WHEREAS, Miss Stephanie Kay Ashmore of Muscle Shoals, crowned on June 21, 1983, is America's reigning Junior Miss; and

WHEREAS, we would consider it an honor and privilege for Miss Ashmore to appear before this body that we might have an opportunity to personally express our deep pride and pleasure in her prestigious national title which has brought great fame and honor to the State of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most cordially invite Miss Stephanie Kay Ashmore of Muscle Shoals, Alabama, to appear before the Legislature at a time and date to be later set, and in mutual convenience.

BE IT FURTHER RESOLVED, That the Clerk of the House is directed to notify Miss Ashmore, by copy of this resolution, of the invitation we extend in hopeful anticipation of her acceptance.

On motion of Rep. Goodwin, the rules were suspended and the resolution, H. J. R. 349, was adopted.

Also:

By Rep. Goodwin:

H. J. R. 350. EXTENDING A CORDIAL INVITATION TO MISS ALABAMA, PAM BATTLES OF MUSCLE SHOALS, TO APPEAR BEFORE THE LEGISLATURE.

WHEREAS, Miss Pam Battles of Muscle Shoals and the University of North Alabama is our state's reigning Miss Alabama and our representative to the forthcoming Miss America Pageant; and

WHEREAS, we would consider it an honor and privilege for Miss Battles to appear before this body that we might have an opportunity to personally express our deep pride and pleasure in her ambassadorship on behalf of the State Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most cordially invite Miss Pam Battles of Muscle Shoals, Alabama, to appear before the Legislature at a time and date to be later set, and in mutual convenience.

BE IT FURTHER RESOLVED, That the Clerk of the House is directed to notify Miss Battles, by copy of this resolution, of the invitation we

extend in hopeful anticipation of her acceptance.

On motion of Rep. Goodwin, the rules were suspended and the resolution, H. J. R. 350, was adopted.

SPECIAL ORDER RESUMED

And the bill:

H. 649. To amend Sections 16-50-20 and 16-50-25, Code of Alabama 1975, relating to the appointment terms of office and number of members of the board of trustees for Alabama State University, so as to provide further for an additional trustee from the home district and the terms of office; and to allow reappointment for a certain period.

Was taken up.

AMENDMENT OFFERED

Rep. Langford offered the following amendment to the bill, H. 649:

Amend H. 649 as follows:

On page 2, Section 1, in line 32 after the period add:

The first members, however, shall be eligible to serve for two full additional terms in addition to their initial terms.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 63; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Blakeney, Box, Browder, Bryant, Buskey, Butler, Carter, Casey, Clark, Clikas, Cosby, Davis, Drinkard, Faulk, Ford, Gaston, Grimsley, Grouby, Holley, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Laird, Langford, Lauderdale, McKee, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Starkey, Starr, Tucker, Turner, Warren, White (F), Wilson and Zoghby.

—63

And the bill, H. 649, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 72; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Biddle, Blakeney, Bowling, Box, Browder, Bryant, Buskey, Butler, Carter, Casey, Clark, Clikas, Cosby, Davis, Drinkard, Escott, Faulk, Ford, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Holley, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Langford, Lauderdale, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Poole, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Starkey, Starr, Tucker, Turner, Turnham, Venable, Waggoner, Warren, White (F), Wilson and Zoghby.

—72

And the bill:

H. 494. (With Amendment): To amend Sections 34-13-1, 34-13-4, 34-13-20, 34-13-22, 34-13-53, 34-13-72, 34-13-92 and 34-13-111, Code of Alabama 1975, relating to funeral services, board of funeral services licensees and funeral establishments, so as to further provide for the definitions of apprentice embalmers, distributions of the rules and regulations, composition, qualifications and terms of the board of funeral services, quorum, licensees and matters of record, qualifications of applicants for examination and inspections of funeral establishments.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on State Administration, said committee amendment being as follows:

Amend H. B. 494 on page 14, Section 34-13-111, line 12 by adding after the word "annually," the following: with an inspection fee of $35.00,

And the amendment was adopted.

Yeas 69; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Biddle, Blakeney, Bowling, Box, Brooks, Bryant, Butler, Carter, Casey, Clark, Clikas, Coleman, Cosby, Davis, Drinkard, Dutton, Flowers, Ford, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harvey, Holley, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Laird, Langford, Lauderdale, McKee, McMillan, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Parker, Penry, Poole, Preuitt, Rains, Reed, Richardson, Sasser, Scott, Seibels, Starkey, Starr, Tucker, Turner, Turnham, Venable, Waggoner, Warren, Wilson and Zoghby.

—69

AMENDMENT OFFERED

Rep. Mitchell offered the following amendment to the bill, H. 494 as amended:

On page 1, lines 19 and 34, delete the period and insert in lieu thereof:

and to provide for its retroactive effect.

On page 14, lines 24 through 26, delete Section 2 in its entirety and insert in lieu thereof the following language:

Section 2. This amendatory act shall have retroactive effect to January 1, 1977.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 71: Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Biddle, Blakeney, Bowling, Box, Brooks, Butler, Carter, Casey, Clark, Clikas, Coleman, Cosby, Davis, Drinkard, Dutton, Faulk, Ford, Gaston, Goodwin, Grimsley, Grouby, Hall,

Hammett, Harvey, Holley, Horn, Howard, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Laird, Lauderdale, McKee, McMillan, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Parker, Penry, Poole, Preuitt, Rains, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Starkey, Starr, Thomas, Thornton, Tucker, Turner, Turnham, Venable, Warren, White (F), and Zoghby.

—71

And the bill:

H. 494. To amend Sections 34-13-1, 34-13-4, 34-13-20, 34-13-22, 34-13-53, 34-13-72, 34-13-92 and 34-13-111, Code of Alabama 1975, relating to funeral services, board of funeral services licensees and funeral establishments, so as to further provide for the definitions of apprentice embalmers, distributions of the rules and regulations, composition, qualifications and terms of the board of funeral services, quorum, licensees and matters of record, qualifications of applicants for examination and inspections of funeral establishments and to provide for its retroactive effect.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 78; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Blakeney, Bowling, Box, Brooks, Bryant, Butler, Carothers, Carter, Casey, Clark, Clikas, Coleman, Cosby, Davis, Drinkard, Faulk, Flowers, Ford, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harvey, Holley, Horn, Howard, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, McKee, McMillan, Martin, Mathis, Melton, Minus, Mitchell, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Thomas, Thornton, Tucker, Turner, Turnham, Venable, Warren, White (F), Williams, Wilson and Zoghby.

—78

RESOLUTIONS

The following resolutions were introduced:

By Rep. Biddle:

H. J. R. 351. REQUESTING THE FEDERAL AVIATION ADMINISTRATION TO RESCIND ITS APPROVAL OF AN AIRPORT SITE IN SARDIS, JEFFERSON COUNTY, ALABAMA.

WHEREAS, at a 1982 public hearing relating to the location of an airport in Sardis, Jefferson County, Alabama, numerous area residents voiced vehement opposition to such a proposal; and

WHEREAS, further, at said public hearing not a single local citizen appeared to speak in favor of the proposed airport site; and

WHEREAS, development of the airport site would necessitate the relocation of at least twelve families, many of whom are lifelong residents and whose properties represent sizable investments that would be seriously impaired through displacement by the airport; and

WHEREAS, the usefulness of a new area airport also is highly ques-

tionable and proponents of the facility have yet to show a need, or even a desirability, for the airport; and

WHEREAS, despite the serious consequences of the airport location, the Federal Aviation Administration has recently given its approval of the Sardis site, a decision that will uproot many long-established family farms and homes to the detriment of an entire community; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby request the Federal Aviation Administration to review and rescind its recent approval of the Sardis (Jefferson County, Alabama) location for a new airport.

BE IT FURTHER RESOLVED, That, by copy of this resolution, the Clerk of the House shall advise the Director of the Federal Aviation Administration of this request of the Alabama Legislature.

On motion of Rep. Biddle, the rules were suspended and the resolution, H. J. R. 351, was adopted.

Also:

By Rep. Biddle:

H. R. 352. REQUESTING THE FEDERAL AVIATION ADMINISTRATION TO RESCIND ITS APPROVAL OF AN AIRPORT SITE IN SARDIS, JEFFERSON COUNTY, ALABAMA.

WHEREAS, at a 1982 public hearing relating to the location of an airport in Sardis, Jefferson County, Alabama, numerous area residents voiced vehement opposition to such a proposal; and

WHEREAS, further, at said public hearing not a single local citizen appeared to speak in favor of the proposed airport site; and

WHEREAS, development of the airport site would necessitate the relocation of at least twelve families, many of whom are lifelong residents and whose properties represent sizable investments that would be seriously impaired through displacement by the airport; and

WHEREAS, the usefulness of a new area airport also is highly questionable and proponents of the facility have yet to show a need, or even a desirability, for the airport; and

WHEREAS, despite the serious consequences of the airport location, the Federal Aviation Administration has recently given its approval of the Sardis site, a decision that will uproot many long-established family farms and homes to the detriment of an entire community; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, STATE OF ALABAMA, That we hereby request the Federal Aviation Administration to review and rescind its recent approval of the Sardis (Jefferson County, Alabama) location for a new airport.

BE IT FURTHER RESOLVED, That, by copy of this resolution, the Clerk of the House shall advise the Director of the Federal Aviation Administration of this request of the Alabama Legislature.

On motion of Rep. Biddle, the rules were suspended and the resolution, H. R. 352, was adopted.

Also:

The following resolution was introduced and distributed according to

Joint Rule 11:

By Rep. Payne:

H. R. 353. COMMENDING MR. ROGER GENE McCARTY OF BIRMINGHAM, ALABAMA, FOR HEROISM.

CO-SPONSORS ADDED

The following were added as co-sponsors to the resolution, H. R. 353:

Reps.: Bennett, Biddle, Blakeney, Boles, Bowling, Brooks, Browder, Bryant, Carter, Clark, Clikas, Davis, Dutton, Escott, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hettinger, Holley, Horn, Howard, Johnson (A.L.), Johnson (Roy), Junkins, Lauderdale, Layton, Lewis, Melton, Moore, Murphy, Nevett, Newman, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Thornton, Trammell, Tucker, Waggoner, Williams and Wright.

And the bill:

S. 484. To make an additional appropriation for salaries and other expenses of the legislature for the fiscal year ending September 30, 1983.

Was read a third time at length and passed.

Yeas 75; Nays 0.

Yeas:

Mr. Speaker, Adams, Bennett, Blake, Blakeney, Bowling, Box, Brakefield, Brooks, Bryant, Butler, Carothers, Carter, Casey, Clikas, Coleman, Cosby, Davis, Drinkard, Dutton, Escott, Faulk, Ford, Gaston, Goodwin, Grimsley, Hall, Hammett, Harvey, Hettinger, Holley, Horn, Howard, Johnson (A.L.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Payne, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Smith, Starr, Trammell, Tucker, Turner, Turnham, Venable, Warren, White (L), Williams, Wilson, Wright and Zoghby.

—75

LEAVE OF ABSENCE

At the request of Rep. Boles, leave of absence was granted for Rep. Layton.

SPECIAL ORDER RESUMED

And the bill:

S. 306. To amend Sections 41-4-134, 41-4-136 and 41-4-139 of the Code of Alabama 1975, which relate to state printing, so as to provide further for the printing of the Legislative Acts and the Journals of the House and the Senate.

Was read a third time at length and passed.

Yeas 72; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Bryant, Butler, Carothers, Casey, Clikas, Coleman,

Cosby, Davis, Drinkard, Escott, Faulk, Ford, Gaston, Goodwin, Grimsley, Hall, Harvey, Hettinger, Holley, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Laird, Langford, Lauderdale, Martin, Mathis, Melton, Minus Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Poole, Preuitt, Rains, Reed, Richardson, Rogers, Sasser, Scott, Smith, Starr, Thornton, Trammell, Tucker, Turnham, Venable, Warren, White (L), Williams, Wilson, Wright and Zoghby.

—72

And the bill:

H. 264. (With Substitute) (With Amendments): To amend sections 32-5A-191 and 32-5A-194, Code of Alabama 1975, which relate to offenses and penalties and matters of evidence related to driving under the influence of alcohol or controlled substances (DUI), so as to lower the minimum weight of alcohol in the blood required to convict a person under said section 32-5A-191, to provide that such minimum alcohol limits create a conclusive presumption of guilt or fault; and to generally increase the penalties and other sanctions for various degrees of violations of section 32-5A-191.

Was taken up.

SUBSTITUTE OFFERED

Rep. Lewis offered the following substitute to the bill, H. 264, and to the substitute and amendments reported by the Standing Committee on Judiciary, said substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To amend Sections 32-5-192, 32-5A-191, 32-5A-192, 31-6-19, and 11-45-9, Code of Alabama 1975, relating to offenses and penalties for refusal to submit to a chemical test under 32-5-192 (Implied Consent); to generally increase the penalties and other sanctions for violation of 32-5A-191 (DUI); to clarify the penalty for violation of 32-5A-192 relating to Homicide by Vehicle; to generally increase the penalty for violation of Section 32-6-19 relating to Driving While Revoked; and to allow municipal courts to enforce increased penalties under 32-5A-191 (DUI) by amending 11-45-9.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 32-5-192, 32-5A-191, 32-5A-192, 32-6-19 and and 11-45-9, Code of Alabama 1975, are hereby amended to read as follows:

"§ 32-5-192.

"(a) Any person who operates a motor vehicle upon the public highways of this state shall be deemed to have given his consent, subject to the provisions of this division, to a chemical test or tests of his blood, breath or urine for the purpose of determining the alcoholic content of his blood if lawfully arrested for any offense arising out of acts alleged to have been committed while the person was driving a motor vehicle on the public highways of this state while under the influence of intoxicating liquor. The test or tests shall be administered at the direction of a law enforcement officer having reasonable grounds to believe the person to have been driving a motor vehicle upon the public highways of this state while under the influence of intoxicating liquor. The law enforcement agency by which such officer is employed shall designate which of the aforesaid tests shall be administered.

Such person shall be told that his failure to submit to such a chemical test will result in the suspension of his privilege to operate motor vehicle for a period of 45-90 days; provided if such person objects to a blood test, the law enforcement agency shall designate that one of the other aforesaid tests be administered.

"(b) Any person who is dead, unconscious or who is otherwise in a condition rendering him incapable of refusal, shall be deemed not to have withdrawn the consent provided by subsection (a) of this section and the test or tests may be administered, subject to the provisions of this division.

"(c) If a person under arrest refuses upon the request of a law enforcement officer to submit to a chemical test designated by the law enforcement agency as provided in subsection (a) of this section, none shall be given, but the director of public safety, upon the receipt of a sworn report of the law enforcement officer that he had reasonable grounds to believe the arrested person had been driving a motor vehicle upon the public highways of this state while under the influence of intoxicating liquor and that the person had refused to submit to the test upon the request of the law enforcement officer, shall suspend his license or permit to drive, or the privilege of driving a motor vehicle on the highways of this state given to a nonresident, or if the person is a resident without a license or permit to operate a motor vehicle in this state, the director shall deny to the person the issuance of a license or permit, for a period of 45-90 days, subject to review as hereinafter provided. If such person is acquitted on the charge of driving a motor vehicle upon the highways of this state while under the influence of intoxicating liquor, then in that event the director of public safety may, in his discretion, reduce said period of suspension.

"(d) Upon suspending the license or permit to drive or the privilege of driving a motor vehicle on the highways of this state given to a nonresident or any person, or upon determining that the issuance of a license or permit shall be denied to the person, as hereinbefore in this section directed, the director of public safety or his duly authorized agent shall immediately notify the person in writing and upon his request shall afford him an opportunity for a hearing in the same manner and under the same conditions as is provided in section 32-6-16, for notification and hearings in the cases of suspension of licenses; except, that the scope of such a hearing for the purposes of this section shall cover the issues of whether a law enforcement officer had reasonable grounds to believe the person had been driving a motor vehicle upon the public highways of this state while under the influence of intoxicating liquor, whether the person was placed under arrest, and whether he refused to submit to the test upon request of the officer. Whether the person was informed that his privilege to drive would be suspended or denied if he refused to submit to the test shall not be an issue. The director of public safety shall order that the suspension or determination that there should be a denial of issuance either be rescinded or sustained.

"(e) If the suspension or determination that there should be a denial of issuance is sustained by the director of public safety or his authorized agent upon such hearing, the person whose license or permit to drive or nonresident operating privilege has been suspended or to whom a license or permit is denied, under the provisions of this section, shall have the right to file a petition in the appropriate court to review the final order of suspension or denial by the director or his duly authorized agent in the same manner and under the same conditions as is provided in section 32-6-16 in the cases of suspensions and denials.

"(f) When it has been finally determined under the procedures of this section that a nonresident's privilege to operate a motor vehicle in this state has been suspended the director shall give information in writing of the action taken to the motor vehicle administrator of the state of the person's residence and of any state in which he has a license.

"§ 32-5A-191.

"(a) A person shall not drive or be in actual physical control of any vehicle while:

"(1) There is 0.10 percent or more by weight of alcohol in his blood;

"(2) Under the influence of alcohol;

"(3) Under the influence of a controlled substance to a degree which renders him incapable of safely driving; ~~or~~

"(4) Under the combined influence of alcohol and a controlled substance to a degree which renders him incapable of safely driving.; or

"(5) Under the influence of any substance which impairs the mental or physical faculties of such person to a degree which renders him incapable of safely driving.

"(b) The fact that any person charged with violating this section is or has been legally entitled to use alcohol or a controlled substance shall not constitute a defense against any charge of violating this section.

"(c) Upon first conviction, a person violating this section shall be punished by imprisonment in the county or municipal jail for not more than one year, or by fine of not less than ~~$100.00~~ $250.00 nor more than $1,000,000, or by both such fine and imprisonment. In addition, on a first conviction, ~~the court trying the cause may prohibit the person so convicted from driving a motor vehicle upon the highways of this state for a period of not more than six months~~. The director of public safety shall suspend the driving privilege or driver's license of the person so convicted for a period of ninety (90) days. First time offenders convicted of driving while under the influence of alcohol shall also be required to complete a DUI court referral program approved by the state administrative office of courts. Neither reckless driving nor any other traffic infraction is a lesser included offense under a charge of driving while under the influence of alcohol or controlled substances.

"(d) On a second ~~or subsequent~~ conviction within a five-year period, the person convicted of violating this section shall be punished by a fine of not less than ~~$200.00~~ $500.00 nor more than ~~$1,500.00~~ $2,500.00 or and by imprisonment, which may include hard labor, in the county or municipal jail for not less than thirty (30) days nor more than one year, ~~or by both such fine and imprisonment~~ to include a minimum of 30 days which shall be served in the county or municipal jail and which cannot be probated or suspended. In addition, the director of public safety shall revoke the driving privilege or driver's license of the person so convicted for a period of ~~six months~~ one year.

"(e) On a third or subsequent conviction within a five-year period, the person convicted of violating this section shall be punished by a fine of not less than $1,000.00 nor more than $5,000 and by imprisonment, which may include hard labor, in the county or municipal jail for not less than sixty (60) days nor more than one year, to include a minimum of 60 days which shall be served in the county or municipal jail and which cannot be pro-

bated or suspended. In addition, the director of public safety shall revoke the driving privilege or driver's license of the person so convicted for a period of three years.

"(e) (f) All fines collected for violation of this section resulting from arrests by state officers shall be paid into the state general fund; all fines so collected for violations resulting from arrests by county or municipal officers shall be disbursed as is otherwise provided for by law.

"§ 32-6-19.

"Any person whose driver's or chauffeur's license issued in this or another state or whose driving privilege as a nonresident has been cancelled, suspended or revoked as provided in this article and who drives any motor vehicle upon the highways of this state while such license or privilege is cancelled, suspended or revoked shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than ~~$25.00~~ $100.00 nor more than $500.00, and in addition thereto may be imprisoned for not more than 30 180 days. Also, at the discretion of the director of public safety, such person's license may be revoked for an additional revocation period of six months.

"§ 32-5A-192.

"(a) Whoever shall unlawfully and unintentionally cause the death of another person while engaged in the violation of any state law or municipal ordinance applying to the operation or use of a vehicle or to the regulation of traffic shall be guilty of homicide when such violation is the proximate cause of said death.

"(b) Any person convicted of homicide by vehicle shall be fined not less than $500.00 nor more than $2,000.00, or shall be imprisoned ~~in the county jail not less than three months nor more than one year, or may be so fined and so imprisoned, or shall be imprisoned in the penitentiary~~ for a term not less than one year nor more than five years, or may be so fined and so imprisoned.

"§ 11-45-9.

"(a) Municipal ordinances may provide penalties of fines, imprisonment, hard labor or one or more of such penalties for violation of ordinances.

"(b) No fine shall exceed $500.00, and no sentence of imprisonment or hard labor shall exceed six months except, when in the enforcement of the penalties prescribed in section 32-5A-191, such fine shall not exceed $5,000.00 and such sentence of imprisonment or hard labor shall not exceed one year.

"(c) The penalty imposed upon a corporation shall consist of the fine only, plus costs of court."

Section 2. The provisions of this act are supplemental to other laws not inconsistent with this act, and such other laws shall not be deemed to be repealed by this act.

Section 3. This act applies to conduct occurring after its effective date. Conduct occurring before the effective date of this act shall be governed by pre-existing law.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the

part which remains.

Section 5. This act shall become effective immediately upon its approval by the Governor or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 77; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Box, Brakefield, Brooks, Browder, Bryant, Butler, Carothers, Carter, Casey, Clark, Clikas, Coleman, Cosby, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harvey, Hettinger, Holley, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kvalheim, Laird, Lauderdale, McKee, Martin, Mathis, Melton, Minus, Mitchell, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Poole, Preuitt, Rains, Rice, Richardson, Sasser, Seibels, Smith, Starkey, Tucker, Turner, Turnham, Venable, Warren, White (L), Williams, Wilson, Wright and Zoghby.

—77

CO-SPONSORS ADDED

Reps.: Wright, Gaston, Dutton, Rains and Bennett were added as co-sponsors to the bill, H. 264.

AMENDMENT OFFERED

Rep. Brooks offered the following amendment to the bill, H. 264 as amended:

Amend the Substitute to HB 264 on page 5, Section (5), subsection (c), line 20 by inserting after the word "for" the following: a minimum of 48 hours which shall be served in the county or municipal jail and which cannot be probated or suspended and for

AMENDMENT TABLED

On motion of Rep. Sasser, the amendment offered by Rep. Brooks to the bill, H. 264 as amended, was tabled.

Yeas 56; Nays 19.

Yeas:

Mr. Speaker, Adams, Blake, Box, Brakefield, Buskey, Carothers, Casey, Clark, Coleman, Cosby, Davis, Dutton, Escott, Ford, Freeman, Goodwin, Grimsley, Hall, Hammett, Harvey, Howard, Johnson (A.L.), Johnson (R.G.), Junkins, Kennedy, Kvalheim, Lewis, McMillan, Martin, Mathis, Melton, Minus, Nevett, Newman, Parker, Payne, Preuitt, Reed, Rice, Richardson, Rogers, Sasser, Smith, Starkey, Starr, Stout, Thomas, Tucker, Turner, Turnham, Venable, Waggoner, White (L), Wilson and Zoghby.

—56

Nays:

Reps.: Ashley, Brooks, Browder, Butler, Carter, Clikas, Drinkard, Gaston, Hettinger, Holley, Johnson (Roy), Lauderdale, McKee, Nicholson, Owens,

Poole, Rains, Scott and Williams.

—19

AMENDMENT OFFERED

Rep. Langford offered the following amendment to the bill, H. 264 as amended:

Amend the substitute for House Bill 264 in Section 1, subsection (c), as follows:

On page 5, lines 26 through period in line 28, strike the following language:

~~the Director of Public Safety shall suspend the driving or driver's license of the person so convicted for a period of ninety (90) days.~~

and insert in lieu thereof the following language:

the director of public safety shall temporarily debar all driving privileges for a minimum of 30 days and then the director of public safety shall issue the use for a minimum 60 days, a restricted, provisional or conditional license permitting a person to drive only for the purpose of going from a residence to or from a place of employment or to and from a mandated alcohol education or treatment program. A restricted, provisional or conditional license can only be issued in accordance with statewide published guidelines and in exceptional circumstances specific to the offender. The director of the department of public safety is hereby directed to implement the provisions of this subsection.

MOTION TO TABLE LOST

The motion offered by Rep. Lewis to table the amendment offered by Rep. Langford to the bill, H. 264 as amended, was lost.

Yeas 36; Nays 44.

Yeas:

Reps.: Adams, Ashley, Blake, Blakeney, Brooks, Butler, Carter, Flowers, Goodwin, Grouby, Hettinger, Holley, Howard, Johnson (R.G.), Johnson (Roy), Laird, Lauderdale, Lewis, McKee, Minus, Mitchell, Moore, Murphy, Nicholson, Parker, Payne, Penry, Poole, Smith, Turner, Turnham, Warren, White (F), White (L), Williams and Wright.

—36

Nays:

Mr. Speaker, Albright, Bennett, Box, Brakefield, Bryant, Buskey, Carothers, Clark, Clikas, Coleman, Cosby, Davis, Drinkard, Escott, Ford, Freeman, Gaston, Grimsley, Hall, Hammett, Horn, Johnson (A.L.), Junkins, Kennedy, Langford, McMillan, Martin, Mathis, Melton, Nevett, Newman, Rains, Reed, Rice, Richardson, Rogers, Seibels, Starr, Thomas, Tucker, Venable, Wilson and Zoghby.

—44

AMENDMENT ADOPTED

The question was then on the adoption of the amendment offered by Rep. Langford to the bill, H. 264 as amended, and the amendment was adopted.

Yeas 80; Nays 5.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Blake, Box, Brakefield, Brooks, Bryant, Buskey, Carothers, Carter, Casey, Clark, Clikas, Coleman, Cosby, Davis, Drinkard, Dutton, Escott, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Hettinger, Holley, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Lewis, McMillan, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Penry Poole, Rains, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Starkey, Starr, Thomas, Thornton, Trammell, Tucker, Turner, Turnham, Venable, Warren, White (L), Williams, Wilson, Wright and Zoghby.

—80

Nays:

Reps.: Blakeney, Flowers, Harvey, Parker and Payne.

—5

AMENDMENT OFFERED

Rep. Butler offered the following amendment to the bill, H. 264 as amended:

In Section 1, page 6, between lines 29 and 30 insert the following subsection:

(g) A person who has been arrested for violating the provisions of this act shall not be released from jail under bond or otherwise, until there is less than the same percent by weight of alcohol in his blood as specified in subsection (a)(1) hereof.

Also, in the title, on page 4, line 33, after the figures "32-5A-191;" insert the following: to provide that any person arrested for violating the provisions of this act shall not be released from jail under bond or otherwise, until there is less than the same percent by weight of alcohol in his blood as specified in Section 32-5A-191(a)(1);

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 84; Nays 1.

Yeas:

Reps.: Adams, Albright, Ashley, Bennett, Biddle, Blakeney, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Butler, Carothers, Carter, Casey, Clark, Clikas, Coleman, Cosby, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin Grouby, Hall, Hammett, Harvey, Hettinger, Holley, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Kennedy, Kvalheim, Laird, Langford, Lauderdale, Lewis, McKee, McMillan, Martin, Mathis, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Payne, Penry, Poole, Preuitt, Rains, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Thomas, Thornton, Turner, Turnham, Venable, Waggoner, Warren, White (F), Williams, Wilson and Wright.

—84

Nay: Rep. Tucker. —1

AMENDMENT OFFERED

Rep. Carothers offered the following amendment to the bill, H. 264, as amended:

Amend H. B. 264, Section 32-5A-191(d), Page 5, line(s) 35 by (striking) all of subsection (d) and adding in lieu thereof the following: On a second conviction within a five year period, the person convicted of violating this section shall be punished by a fine of not less than $500.00 nor more than $2500.00 and at the discretion of the presiding judge a sentence of 210 hours of public service work or a sentence not less than 30 days nor more than one year. In addition, the director of public safety shall revoke the driving privilege or drivers license of persons so convicted for a period of one year.

MOTION TO TABLE LOST

The Motion offered by Rep. Lewis to table the amendment offered by Rep. Carothers to the bill, H. 264 as amended, was lost.

Yeas 43; Nays 48.

Yeas:

Reps.: Adams, Ashley, Blakeney, Brooks, Butler, Clikas, Coleman, Cosby, Flowers, Gaston, Goodwin, Grouby, Harper, Hettinger, Holley, Howard, Johnson (R.G.), Johnson (Roy), Laird, Lauderdale, Lewis, McKee, Martin, Minus, Mitchell, Murphy, Owens, Parker, Payne, Poole, Preuitt, Rains, Richardson, Sasser, Smith, Starkey, Turner, Venable, Waggoner, Warren, White (L), Wilson and Wright.

—43

Nays:

Mr. Speaker, Albright, Bennett, Boles, Bowling, Box, Brakefield, Bryant, Buskey, Carothers, Carter, Casey, Clark, Crow, Davis, Drinkard, Escott, Faulk, Ford, Freeman, Grimsley, Hall, Hammett, Harvey, Holmes, Horn, Johnson (A.L.), Junkins, Kennedy, Langford, McMillan, Mathis, Melton, Moore, Nevett, Newman, Nicholson, Reed, Rice, Rogers, Scott, Seibels, Starr, Thomas, Thornton, Tucker, Turnham and Williams.

—48

The question was again on the amendment offered by Rep. Carothers to the bill, H. 264 as amended.

MOTION TO POSTPONE TABLED

On motion of Rep. Lewis, the motion offered by Rep. Reed to postpone consideration of the bill, H. 264 as amended and with pending amendment to the twenty-fifth legislative day, was tabled.

Yeas 63; Nays 16.

Yeas:

Reps.: Bennett, Biddle, Blake, Blakeney, Bowling, Browder, Butler, Carter, Casey, Clikas, Coleman, Cosby, Crow, Drinkard, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Howard, Johnson (R.G.), Johnson (Roy), Junkins, Kvalheim, Laird, Lewis, McKee, McMillan, Minus, Mitchell, Moore, Murphy, Newman,

Nicholson, Owens, Payne, Penry, Poole, Preuitt, Rains, Rice, Richardson, Sasser, Scott, Seibels, Smith, Starkey, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson and Wright.

—63

Nays:

Reps.: Box, Bryant, Buskey, Davis, Dutton, Escott, Holmes, Horn, Kennedy, Langford, Melton, Nevett, Reed, Rogers, Stout and Thornton.

—16

The question was again on the amendment offered by Rep. Carothers to the bill, H. 264 as amended.

MOTION TO TEMPORARILY POSTPONE TABLED

On motion of Rep. Lewis, the motion offered by Rep. Hammett to temporarily postpone consideration of the bill, H. 264 as amended and with pending amendment, was tabled.

Yeas 61; Nays 21.

Yeas:

Mr. Speaker, Ashley, Bennett, Blake, Blakeney, Bowling, Box, Butler, Carter, Casey, Clikas, Cosby, Crow, Drinkard, Flowers, Ford, Gaston, Goodwin, Grouby, Hall, Harper, Hettinger, Holley, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kvalheim, Lauderdale, Lewis, McMillan, Minus, Mitchell, Moore, Murphy, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Rice, Richardson, Sasser, Smith, Starr, Stout, Tucker, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson and Wright.

—61

Nays:

Reps.: Bryant, Coleman, Davis, Dutton, Escott, Faulk, Freeman, Grimsley, Hammett, Holmes, Horn, Langford, McKee, Melton, Nevett, Reed, Rogers, Scott, Seibels, Starkey, and Thornton.

—21

NOTICE IN WRITING

Rep. Rogers filed the following Notice in Writing:

Notice is hereby given that on the next Legislative Day, a motion will be made directing the Local Legislation #2 Committee to report to this body, House Bill 553, as provided for in Rule 49 of the House Rules.

H. 264 RESUMED

AMENDMENT ADOPTED

The question was again on the amendment offered by Rep. Carothers to the bill, H. 264 as amended, and the amendment was adopted.

Yeas 56; Nays 35.

Yeas:

Mr. Speaker, Albright, Bennett, Boles, Bowling, Brakefield, Bryant, Buskey, Carothers, Carter, Casey, Clark, Cosby, Crow, Davis, Dutton, Escott, Faulk,

Freeman, Goodwin, Grimsley, Grouby, Hall, Hammett, Holmes, Horn, Johnson (A.L.), Johnson (R.G.), Junkins, Kennedy, Kvalheim, Langford, McMillan, Mathis, Melton, Minus, Mitchell, Moore, Newman, Nicholson, Penry, Reed, Rice, Rogers, Scott, Seibels, Starkey, Starr, Stout, Thomas, Thornton, Turnham, Venable, Warren, White (F), and Williams.

—56

Nays:

Reps.: Ashley, Blake, Blakeney, Box, Brooks, Butler, Clikas, Coleman, Drinkard, Flowers, Ford, Gaston, Hettinger, Holley, Johnson (Roy), Lauderdale, Lewis, McKee, Murphy, Nevett, Owens, Parker, Payne, Poole, Preuitt, Rains, Richardson, Sasser, Smith, Tucker, Turner, Waggoner, White (L), Wilson and Wright.

—35

AMENDMENT OFFERED

Rep. Hall offered the following amendment to the bill, H. 264 as amended:

Amend H. B. 264 on Page 5, Section 1, Line 21 by adding after the word figure $1,000.00 the following:

which ½ of such, shall go to Local Mental Health

MOTION TO TABLE LOST

The motion offered by Rep. Lewis to table the amendment offered by Rep. Hall to the bill, H. 264 as amended, was lost.

Yeas 33; Nays 39.

Yeas:

Mr. Speaker, Adams, Ashley, Blake, Blakeney, Bowling, Carter, Clikas, Crow, Flowers, Gaston, Goodwin, Hammett, Holley, Johnson (R.G.), Johnson (Roy), Lauderdale, Lewis, McMillan, Mitchell, Newman, Owens, Payne, Penry, Poole, Preuitt, Sasser, Smith, Thornton, Turner, Waggoner, White (L), and Wright.

—33

Nays:

Reps.: Albright, Box, Bryant, Buskey, Butler, Carothers, Casey, Cosby, Davis, Drinkard, Dutton, Escott, Faulk, Ford, Freeman, Hall, Harper, Harvey, Hettinger, Holmes, Horn, Johnson (A.L.), Junkins, Kennedy, Kvalheim, Langford, Melton, Minus, Nevett, Nicholson, Parker, Richardson, Rogers, Starkey, Stout, Trammell, Tucker, Turnham and Williams.

—39

AMENDMENT ADOPTED

The question was then on the amendment offered by Rep. Hall to the bill, H. 264 as amended, and the amendment was adopted.

Yeas 48; Nays 37.

Yeas:

Reps.: Albright, Box, Brakefield, Bryant, Buskey, Butler, Carothers, Clikas,

Coleman, Cosby, Davis, Drinkard, Dutton, Escott, Faulk, Ford, Freeman, Gaston, Goodwin, Grimsley, Hall, Harper, Harvey, Hettinger, Holmes, Horn, Johnson (A.L.), Junkins, Kennedy, Kvalheim, Langford, Mathis, Melton, Nevett, Newman, Nicholson, Owens, Rice, Richardson, Rogers, Starkey, Starr, Stout, Thornton, Trammell, Turner, Turnham and Williams.

—48

Nays:

Mr. Speaker, Adams, Ashley, Bennett, Blake, Bowling, Browder, Carter, Casey, Clark, Crow, Flowers, Hammett, Holley, Johnson (R.G.), Johnson (Roy), Laird, Lauderdale, Lewis, McMillan, Minus, Mitchell, Moore, Murphy, Parker, Payne, Penry, Poole, Preuitt, Rains, Sasser, Tucker, Waggoner, Warren, White (L), Wilson and Wright.

—37

ADJOURNMENT

On motion of Rep. Johnson (Roy) and pursuant to the resolution, H. R. 331, heretofore adopted, the House adjourned until 3:00 o'clock p.m., Wednesday, June 29, 1983.

TWENTY-THIRD DAY

House of Representatives
Montgomery, Alabama
Wednesday, June 29, 1983

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Rep. Asbury Howard of Birmingham, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Carothers, Carter, Casey, Clark, Clikas, Coleman, Cosby, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

—101

A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the twenty-second legislative day and finds the same to be correct.

JOHN CASEY,
Chairman.

On motion of Rep. Casey, the rules were suspended and the reading at length of the Journal of the House for the twenty-second legislative day was dispensed with and the Standing Committee on Rules was concurred in and adopted, and the Journal for the twenty-second legislative day was approved.

LEAVE OF ABSENCE

At the request of Rep. Crow, leave of absence was granted for Rep. Campbell. Leave of absence was granted for Rep. Coburn, due to illness in the family. At the request of Rep. Poole, leave of absence was granted for Rep. Manley.

RESOLUTION

The following resolution was introduced:

By Rep. Johnson (Roy):

H. R. 354. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That when we adjourn today, Wednesday, June 29, 1983, we adjourn to meet again on Thursday, June 30, 1983, at 9:00 a.m.

On motion of Rep. Johnson (Roy), the rules were suspended and the resolution H. R. 354, was adopted.

NOTICE IN WRITING

Rep. Rogers filed the following Notice in Writing:

Notice is hereby given that on the next legislative day a motion will be made directing Local Legislation #2 to report H. B. 553 to this body as provided by House Rule 49.

NOTICE IN WRITING

Rep. Rice filed the following Notice in Writing:

Having voted on the prevailing side by which the Hammett amendment passed on House Bill 264, I move to reconsider the vote.

NOTICE IN WRITING

Rep. Carothers filed the following Notice in Writing:

Notice is hereby given that having voted on the prevailing side by which the Carothers amendment to House Bill 264 was adopted, I move to reconsider the vote by which the amendment was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the

following Senate Bills, your signature thereto is requested:

S. 306. To amend Sections 41-4-134, 41-4-136 and 41-4-139 of the Code of Alabama 1975, which relate to state printing, so as to provide further for the printing of the Legislative Acts and the Journals of the House and the Senate.

S. 484. To make an additional appropriation for salaries and other expenses of the legislature for the fiscal year ending September 30, 1983.

Also:

S. 458. Relating to the City of Gadsden, Etowah County; providing for a preferential referendum on the question of a mayor-counsel form of government for the City of Gadsden; prescribing the time of the election; and repealing conflicting laws.

Also:

S. 76. To amend Sections 1 and 2, Act No. 80-167, S. 299, Regular Session 1980 (Acts 1980, p. 245), relating to Morgan County and the distribution of payments made in lieu of ad valorem taxes by the Tennessee Valley Authority pursuant to Section 40-28-3, Code of Alabama 1975, so as to further provide for such distribution; and to further provide for the termination of the provisions of this Act.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing Message from the Senate.

BILLS ON SECOND READING

Rep. Langford, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

S. 373. (With Substitute): The purpose of this bill is to amend Sections 12-16-34 and 12-16-37, Code of Alabama 1975, which sections relate to jury commissions, jury commission clerks, and clerical assistance; to provide for their appointment, their compensation and to provide for the method by which claims shall be submitted to the State for payment; and to repeal all local laws and general bills of local application in conflict with the provisions in Article 2 of Title 12, Chapter 16, Code of Alabama 1975.

Rep. Langford, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 201. Relating to the appointment of a registered agent for service of process by non-qualifying foreign corporations which distribute manufactured products in circumstances that they know or should reasonably anticipate that such products will be used or consumed or sold or distributed in Alabama and to provide that such non-qualifying foreign corporations shall

be strictly liable for damages resulting from defective products distributed by such foreign corporations in the event they fail to appoint a registered agent for service of process.

Rep. Langford, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 811. (With Amendment): To provide further for warranties on new motor vehicles and provides for refunds for failure to conform to said warranties.

Rep. Langford Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 131. To amend Sections 32-15-4 through 32-15-7 of the Code of Alabama 1975, relating to renting, hiring and using motor vehicles, so as to provide further for such offenses and penalties.

S. 143. To amend Section 32-5A-154, Code of Alabama 1975, which prohibits overtaking and passing school buses, so as to increase the penalties for violations.

H. 480. To amend Sections 15-18-69 and 15-18-71 of the Code of Alabama 1975, as amended, relating to restitution criteria and procedures so as to provide that the District Attorney may represent the victim in judicial proceedings concerning restitution; to provide further that the burden of proof at the restitution hearing be on the party claiming restitution by a preponderance of the evidence; to provide further that the defendant, the District Attorney, or the victim have the right to appeal a restitution order without affecting the conviction or any other aspect of sentencing; and to provide further that the Director of the Department of Corrections adopt and promulgate rules relating to restitution by convicts.

Rep. Langford, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, with amendment, and they were severally read a second time and placed on the Calendar, to-wit:

H. 347. (With Substitute) (With Amendment): To amend Section 13A-6-69, Code of Alabama 1975, which provides for the crime of enticing a child to enter a vehicle or house for immoral purposes so as to provide further for said crime and to create the separate crime of child enticement.

H. 285. (With Substitute) (With Amendment): To amend Sections 13A-12-170 and 13A-12-171, Code of Alabama 1975, relating to the display and distribution of pornography to minors, in order to further define and prohibit the display, distribution and exhibition of pornography to minors; to specify the cases these amendments apply to; to provide that the provisions of this act are severable, and to provide an effective date.

Rep. Langford, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 80. To amend Section 32-13-3 and Section 32-13-4, Code of Ala-

bama 1975, in order to provide for notice by newspaper publication of the sale of an abandoned motor vehicle, to provide for notice by certified mail to the owner, secured parties or lienholders of the sale of an abandoned motor vehicle, and notice by newspaper publication if the name and address of the owner, secured parties or lienholders are unknown or cannot be reasonably ascertained, and to provide for a hearing in District Court or Circuit Court, on application of the owner, secured parties or lienholders, to determine if the vehicle is abandoned and should be sold.

Rep. Blake, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 807. To amend Code §22-6-4.2, copayment for prescription drugs, to conform to the requirements of the Medicaid provisions of Public Law 97-248, the Tax Equity and Fiscal Responsibility Act of 1982.

H. 832. To provide that the governing body of any municipality, with a population of less than 5,000 persons, by resolution duly adopted, may abolish or create a civil service system or other personnel board; to continue all rights, interest and privileges which certain employees have in any civil service or merit system within any such municipality; to prescribe that the provisions of this act shall be construed in pari materia with Section 36-27-6, Code of Alabama 1975, permitting certain governing boards, including municipalities to elect to have its eligible officers and employees participate in the state retirement systems; and to repeal conflicting laws.

S. 47. Establishing a state board of barber examiners and prescribing procedures for the licensing and practice of barbering and barber colleges and providing penalties for violations of this Act.

S. 369. To establish the Senior Citizens Hall of Fame for the purposes of honoring persons making certain contributions for the betterment of the lives of older American citizens; to provide for the membership and election; to create a committee appointed by the Governor, and providing duties, powers and life of such committee; to provide for a chairman and clerical assistance and the conduct of its business; and to provide for the reimbursement of the actual and necessary expenses of the members of the committee.

S. 295. To amend further Code of Alabama 1975, Title 33, Section 48, as amended, which relates to the pay of pilots, by revising the schedule of pilots' fees.

S. 109. To provide for the protection of state employees, agents, or servants for certain wrongful acts or omissions committed while in the performance of their official duties in the line and scope of their employment through the purchase of liability insurance or through the self-insurance of the several state departments, agencies, boards or commissions; to provide a procedure for the notification of the State Attorney General of suits against state employees for acts committed in the performance of their official duties in the line and scope of their employment; and to provide that the costs of such liability insurance or self-insurance shall be paid from funds appropriated to the several departments, agencies, boards or commissions for operation.

S. 139. To establish that contributory negligence shall not bar recovery of damages, and to adopt comparative negligence, with a rule of no set-off of damages.

H. 813. To create the Alabama Indian Affairs Commission; to prescribe the powers, duties and authority of the Commission, and to provide for the selection, term, qualifications, and compensation of the members thereof; to provide for the appointment, duties, and compensation of an Executive Director and other employees of the Commission; and to repeal Sections 41-9-700 through 41-9-707, Code of Alabama, 1975.

H. 759. To repeal Sections 37-4-100 through 37-4-117, Code of Alabama 1975, which is known as the "Alabama Radio Utility Act" which granted authority to the Alabama Public Service Commission to issue certificates of public convenience and necessity to radio utility companies.

H. 833. To amend Sections 41-22-25 and 41-22-27 of the Code of Alabama 1975, to clarify the effective date and publication date of the Administrative Procedure Act, and to provide that the effective date of the contested case provisions shall be October 1, 1985.

Rep. Biddle, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 767. To amend Section 34-24-70, Code of Alabama, 1975, as amended by Act No. 81-1139, so as to permit the State Board of Medical Examiners to accept equivalent examinations for certain categories of applicants for certificates of qualification.

S. 284. To amend Section 27-41-17, Code of Alabama 1975, which provides for investments of insurance companies, so as to provide further for investments in common stocks or shares and capital stocks of American and any foreign sovereign nation.

S. 285. To amend Section 27-41-18, Code of Alabama 1975, which provides for investments of insurance companies, so as to provide further for investments in American insurance stocks.

S. 286. To amend Section 27-41-36, Code of Alabama 1975, which prohibits certain investments by insurance companies, so as to provide further for the prohibited investments.

Rep. Turnham, Chairman of the Standing Committee on Education, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 322. To provide for the confidentiality of circulation and registration records maintained by public school libraries, public libraries and college and university libraries; and to amend Section 36-12-40, Code of Alabama 1975, so as to provide for said exemption and to provide certain exceptions.

H. 381. To provide that teachers and principals in each school shall develop a budget for the expenditure of instructional materials and supply funds and to provide that such funds shall be allocated to the individual schools in each county and city by the board of education.

Rep. Smith, Chairman of the Standing Committee on Agriculture and Forestry, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 376. To amend Section 2-31-4 which sets up bond requirements for grain dealers; to require that a grain dealer's bond shall be based upon 10% of the aggregate dollar amount paid by dealers to producers during the 12-month period ending within 30 days from the time the dealer applies to be licensed; to require that persons that have been a grain dealer for less than one year must file the minimum bond allowed; to require that the bond is applicable for each separate location; to require that the bond required shall be no less than $25,000 nor more than $100,000 for each separate location.

S. 193. Relating to the promotion of the production, research, distribution, marketing, use, improvement and sale of soybeans and soybean products; to amend Section 2-8-89 of the Code of Alabama 1975, to provide that the assessment levied upon the sale of soybeans shall not exceed one cent per net bushel after deductions for foreign material on any soybeans sold by producers.

Rep. Carter, Chairman of the Standing Committee on Natural Resources, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 66. To establish and provide for a seafoods advisory board of the department of conservation and natural resources; to provide for the composition of such board; and to prescribe its powers and duties.

H. 644. To create a fishing vessel permit for all boats and vessels which fish in brackish or salt waters of the State of Alabama.

Rep. Reed, Chairman of the Standing Committee on Public Welfare, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 303. To amend section 44-1-38, Code of Alabama 1975, relating to the maintenance of certain records of youth by the department of youth services so as to permit the destruction of such records.

H. 212. Providing for the certification of factory-built housing; providing for the regulation, administration and enforcement of the provisions of this act by the state fire marshal's office; establishing certain civil remedies and actions in connection with factory-built housing; providing penalties for violations of this act or any rule or regulation promulgated hereunder; and specifically repealing Chapter 4A, Title 24, Code of Alabama 1975.

Rep. Adams, Chairman of the Standing Committee on Commerce and Industrial Development, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

S. 434. (With Amendment): Relating to the Alabama Space Science Exhibit Commission, to amend section 41-9-430, section 41-9-432 and section 41-9-435 of the Code of Alabama 1975 in order to empower the Alabama Space Science Exhibit Commission to construct and acquire or lease lodging facilities including parking facilities and facilities for meetings therein, for use by visitors to the commission's permanent exhibit, and to provide for the issuance by the commission of revenue bonds to finance such facilities, and describe and provide for the security therefor.

Rep. Martin, Chairman of the Standing Committee on Local Government, reported that said Committee in session had acted on the following

bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 812. (With Substitute): To establish the procedure by which any municipality in the state may elect to change its form of government to a mayor-council form.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 725. (With Amendment): Relating to the City of Alexander City in Tallapoosa County; authorizing the City of Alexander City to establish, purchase, construct, maintain, lease and operate a television cable system and to furnish television cable and auxiliary service to the residents of the town and to customers of the said board and in surrounding territory; prescribing its powers in connection therewith; authorizing and regulating the issuance and security of bonds and other evidences of indebtedness by such board in connection with such systems; providing for the payment of such bonds and other evidences of indebtedness and the rights of the holders thereof; and exempting the utilities board transacting business pursuant to this act from the jurisdiction and control of the Alabama Public Service Commission.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 733. Relating to Bullock County; to amend Section 2, Act No. 241, 1976 Regular Session of the Alabama Legislature pertaining to levying and collecting assessments on forestlands in Bullock County.

H. 770. Relating to Tuscaloosa County; providing for the filing for record and the preservation of all orders and decrees made and entered by any judge of the circuit court in Tuscaloosa County.

H. 780. Relating to Lowndes County; amending Section 1 of Act No. 81-923, H. 74, 1981 First Special Session, (Acts 1981, p. 73), relating to clerical assistants for the tax assessor and tax collector of the county, so as to further provide for such assistants.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 808. (With Amendment): Relating to Lowndes County, Alabama, to provide for and create a County Racing Commission for the regulation, licensing, and supervision of dog racing and wagering thereon; to prescribe the composition, appointment, powers and duties of the commission; to provide for and regulate the parimutuel or certificate of method of wagering within the enclosure of licensed race tracks; to provide for the distribution of license fees, taxes, commissions, and other monies received under the provision of the act; and to provide certain penalties for the violation of this act and for other purposes relative thereof.

Rep. Raines, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 816. Relating to Marshall County; to provide that all county commissioners shall serve full time; providing for compensation; and providing for retroactive effect.

H. 817. Relating to Morgan County; permitting banks now or hereafter situated in Morgan County to establish, maintain or operate branch banks and branch offices within the corporate limits of Flint, Alabama, for the conduct of a general banking and trust business.

H. 818. Relating to Tallapoosa County; amending Act No. 79-565, S. 200, 1979 Regular Session, which provides for a pistol permit fee in the county, so as to provide further for said fee.

H. 820. Relating to Tuscaloosa County, to amend Sections 1 and 2 of Act No. 601, H. 1087, 1976 Regular Session (Acts 1976, p. 817), which act deals with the issuance of pistol permits in certain counties classified on a population basis, so as to provide further for fees and renewals.

H. 821. To authorize a procedure whereby the sheriff of Tuscaloosa County, Alabama, is authorized to offer for public auction to the highest bidder for cash abandoned and stolen personal property which has been recovered by the sheriff's department of Tuscaloosa County and stored by said department but which has been unclaimed after six (6) months; to provide that such auctions are to be made after notice of the time and place thereof shall have been given publication once a week for two weeks in a newspaper of general circulation published in Tuscaloosa County, Alabama, or by posting in a conspicuous place at the Tuscaloosa County courthouse; to provide that the first publication or posting of said notice shall be twenty days before the said auction; to provide a procedure for the conduct of said auction; to provide that the owner of any of the abandoned or stolen property received and stored by the sheriff of Tuscaloosa County, Alabama, may redeem the same at anytime prior to its sale by paying any reasonable storage or maintenance costs incurred and a pro rata cost of publication and further providing that after deducting and paying all expenses incurred in storing or auctioning the said property, all proceeds from the sale of said property shall be paid into the general fund of Tuscaloosa County, Alabama.

H. 827. Relating to Bibb County; to provide further for the expense allowance for members of the board of education.

H. 828. Relating to Bibb County; to amend Section 1 of Act No. 81, H. 530, Regular Session 1977 (Acts 1977, p. 119), relating to the issuance of pistol permits by the sheriff, so as to increase the fees thereof.

H. 829. Relating to Bibb County; authorizing the Bibb County Commission to levy a county privilege, license, or excise tax on the sale, distribution, storage, use, or other consumption of tobacco and certain tobacco products in such county; providing for the collection and enforcement of the tax, and appropriating the proceeds therefrom.

H. 831. Relating only to Choctaw County, to further provide for the distribution of the tax levied by Act #82-344, Acts of Alabama regular session 1982.

Rep. Rains, Chairman of the Standing Committee on Local Legislation

No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 836. (With Amendment): Relating to Macon County; providing that the members of the board of registrars shall be included in the county insurance program and providing retroactive effect.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 837. Relating to Macon County; to authorize the county governing body to pay an additional expense allowance to the circuit clerk in Macon County; and to give retroactive effect.

H. 838. Relating to Macon County; providing for an expense allowance for the coroner.

Rep. Holley, Vice-Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 389. To provide further for the Alabama Housing Finance Authority; to amend Section 24-1A-4 of the Code of Alabama 1975, relating to the membership and appointments of the authority so as to increase the membership and to provide further as to qualifications and terms of members; and to amend Section 24-1A-9 of the Code of Alabama 1975, which limits the period for the issuance of bonds.

H. 826. To make an absolute appropriation from the State General Fund out of funds now or to become available to the named recipients in the amount indicated for the fiscal year ending September 30, 1983.

H. 489. To amend Sections 12-13-20 and 11-3-4.1, Code of Alabama, 1975, as amended, which relate to salaried probate judges' and commissioners' minimum compensation so as to further provide for such compensation and to provide a minimum compensation for revenue commissioners and to further provide for such compensation.

S. 331. To make an appropriation in the amount of Six Million Five Hundred Thousand Dollars ($6,500,000), consisting of a supplemental appropriation for the period ending September 30, 1983 and an appropriation for the period commencing October 1, 1983 and ending December 31, 1983, from monies comprising Trust Capital of The Alabama Heritage Trust Fund created by an amendment to the Constitution of Alabama of 1901, proposed by Act No. 81-1178, 1981 Third Special Session, for the purpose of payment by the State of Alabama of expenses requisitioned on or prior to midnight December 31, 1983 by the Alabama Housing Finance Authority in the exercise of the powers granted to it by law.

H. 490. To amend Sections 12-19-90, 7-9-403, 7-9-404, 7-9-405, 7-9-406, 7-9-407, 9-11-37, 9-11-47, 9-11-55, 9-11-56, 33-5-10, 33-5-17, 40-12-2, 40-12-15 and 40-12-22, Code of Alabama, 1975, which relate to the fees and charges for services rendered in the probate offices of this state, so as to provide further for the fees and charges for services rendered in such offices.

H. 491. To amend Sections 40-22-1 and 40-22-2, Code of Alabama,

1975, as amended, which relate to recordation tax on certain instruments received for record in the probate offices of this state, so as to provide further for the rates of such taxes and the commissions allowed for the collection of such recordation taxes.

H. 805. To exempt the 34th National Square Dance Convention from the payment of all state, county and municipal sales and use taxes.

H. 21. To amend Sections 40-23-4 and 40-23-62, Code of Alabama 1975, which provide for certain exemptions from sales and use taxes, so as to include diesel fuel used for off-highway agricultural purposes.

Rep. Holley, Vice-Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 697. (With Amendment): To re-open the State of Alabama Retirement Systems for certain military service; to provide that as a prerequisite to obtaining such credit, said members must be an active and contributing member of one of the State of Alabama Retirement Systems; and to provide for its termination.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 830. Relating to Greene County; amending Section 1 of Act No. 376, H. 1040, Regular Session 1975 (Acts 1975, p. 926), relating to the creation, composition, appointment and terms of the Greene County Racing Commission, so as to provide that the Governor shall make such appointments and increases the term of office.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bills, your signature thereto is requested:

S. 91. Relating to Jefferson County; to prescribe the compensation of the Assistant Sheriff for the Bessemer Division of Jefferson County and to repeal all conflicting statutes.

Also:

S. 272. To amend Act No. 80-277, Regular Session, providing methods of funding a legislative delegation office and to reallocate Madison County's share of payments made by the Tennessee Valley Authority to the state in lieu of ad valorem taxes.

Also:

S. 309. Relating to Talladega County; abolishing the offices of tax assessor and tax collector and providing for the establishment of a consolidated and unified system for assessment and collection of taxes, under the supervision of an elected county official designated as county revenue commissioner, providing for the term of office, duties, office, equipment, personnel, and compensation of such official, repealing conflicting laws, to be effective upon the approval of a majority of the electors of Talladega County voting in a referendum election held for such purpose.

Also:

S. 441. Relating to Monroe County; to provide an additional expense allowance for the members of the county board of education to become effective June 1, 1983.

Also:

S. 198. To amend Section 11-52-3, Code of Alabama 1975, to make certain provisions applicable to Class I municipalities and to provide for the appointment by the mayor or any council member serving as a member of a municipal planning commission of a Class I municipality to appoint a supernumerary member to be counted for quorum purposes and to act with all powers of a regular member whenever such municipal officer is not present.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing Message from the Senate.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Reps. Brooks, Freeman, Lewis and Starr:

H. 839. To amend Section 17-18-7, Code of Alabama 1975, relating to special elections, so as to provide further for the conduct of such elections.

State Administration.

By Rep. Bennett:

H. 840. To amend Section 27-4-4 of the Code of Alabama 1975, relating to annual taxes paid by foreign insurers, so as to provide further for certain deductions from such taxes.

Ways and Means.

By Rep. Newman (With Notice and Proof):

H. 841. Relating to Fayette County; providing a travel and subsistence expense allowance for the county superintendent of education; specifically repealing Act No. 442, H. 842, 1947 Regular Session (Local Acts 1947, p. 300); and providing that this act shall become effective July 1, 1983.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 841, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Box (With Notice and Proof):

H. 842. Relating to the Mobile Board of School Commissioners, to

further amend Section 5 of Act No. 242, S.B. 79, General Assembly of 1875-1876 (Acts of Alabama 1875-1876, p. 363), as last amended by Act No. 480, S. 485, Regular Session 1969 (Acts of Alabama 1969, p. 937), which act regulates public schools in Mobile County, and which Section 5 thereof relates to the rights, powers and duties of the Mobile Board of School Commissioners, so as to remove the express authorization for said board to be sued.

Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 842, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

Rep. Box:

H. 843. To amend Sections 15-19-1 through 15-19-7, Code of Alabama 1975, which relate to crimes committed by a minor, so as to provide further for such status; to provide that a person charged with the crime of capital murder is not eligible to be tried as a youthful offender; and to provide for an effective date.

Judiciary.

By Rep. Reed:

H. 844. To make an appropriation of certain Trust Income from the Alabama Heritage Trust Income Account to Tuskegee Institute for capital outlay for the fiscal year ending September 30, 1984.

Ways and Means.

By Rep. Reed:

H. 845. To propose and provide for the submission of an amendment to the Constitution of Alabama authorizing Macon County under certain conditions to issue general obligation bonds in not exceeding $3,500,000 principal amount for the purpose of obtaining funds in such amount and contributing that amount to Tuskegee Institute to be used for the construction of "The Daniel 'Chappie' James Aerospace Memorial"; to provide that said bonds may be secured by a pledge of a sufficient amount of the ¼ of 1% ad valorem tax authorized by Section 215 of said constitution to be levied by said county; to provide that none of said bonds shall be chargeable against the constitutional debt limit of said county; and to specify certain details pertaining to said bonds and to the issuance and sale thereof.

Local Legislation No. 1.

The above bill was read a first time at length as required by the Constitution.

By Rep. Reed:

H. 846. To authorize and regulate the issuance of bonds, not in excess of an amount herein prescribed, by Tuskegee Institute for the purpose of obtaining funds to be used in acquiring, providing, constructing and equipping an appropriate memorial to Daniel "Chappie" James, which is herein designated "The Daniel 'Chappie' James Aerospace Memorial"; also to authorize Tuskegee Institute to acquire, provide, construct and equip such a memorial; to provide that such bonds and the income therefrom shall be exempt from taxation, that such bonds may be used to secure deposits of

funds of the state and its subdivisions, instrumentalities and agencies, shall be legal investments of fiduciary funds and shall not create an obligation or debt of the state of Alabama or any of its political subdivisions; to authorize refunding by the issuance of refunding bonds; to provide for the deposit, investment and disposition of the proceeds of the sale of the bonds; and to authorize the board of trustees of Tuskegee Institute to pledge irrevocably any of the Institute's funds available therefor to the payment of the principal of and interest on the bonds and to create a sinking fund therefor.

Ways and Means.

By Rep. Reed:

H. 847. To propose and provide for the submission of an amendment to the Constitution of Alabama authorizing the City of Tuskegee in Macon County to issue general obligation bonds in not exceeding $3,500,000 principal amount for the purpose of obtaining funds in such amount and contributing that amount to Tuskegee Institute to be used for the construction of "The Daniel 'Chappie' James Aerospace Memorial"; to provide that said bonds may be secured by a pledge of a sufficient amount of the 1¼ % ad valorem tax authorized by Amendment 56 to said constitution to be levied by said city; to provide that none of said bonds shall be chargeable against the constitutional debt limit of said city, and to specify certain details pertaining to said bonds and to the issuance and sale thereof.

Local Legislation No. 1.

The above bill was read a first time at length as required by the Constitution.

By Rep. Butler:

H. 848. To enlarge the powers, authority and jurisdiction of the Alabama Public Service Commission, so as to authorize said commission to issue certificates of public convenience and necessity to cable television utility corporations, companies, or persons, firms or associations owning, leasing, managing or operating a cable television utility system as defined in the act; to provide the procedure therefor; to prescribe penalties for violations; to provide an effective date; to repeal conflicting laws; and for other purposes.

Public Utilities and Transportation.

By Rep. Browder (With Notice and Proof):

H. 849. Relating to Calhoun County; authorizing the county commission to levy an additional ½¢ sales tax paralleling the state sales tax provided for in Sections 40-23-1, 40-23-2, 40-23-3 and 40-23-4, Code of Alabama 1975, providing for the collection, distribution and use of the proceeds for such tax; providing for the enforcement of this act by the state department of revenue; prescribing penalties and fixing punishment for violation of this act; and to provide that the substantive provisions hereof must be approved by the voters of the area in which the tax would be levied.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 849, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Turnham (With Notice and Proof):

H. 850. To amend the "Council-Manager Act of 1982", so as to authorize the governing body of any Class 6 city, by resolution, to elect to have the form of government originally prescribed in this act or an alternate form, having a nine-member council, composed of one member elected at large and designated as mayor and eight members elected, two from each of the four districts into which the city is divided, by the qualified electors of the districts, respectively, providing for the time for the change in the form of government in such Class 6 cities, authorizing the council of such cities to elect a mayor pro tem, who in such cities will be in lieu of the second councilman-at-large elected in other cities governed by this act, limiting the power of the council of such Class 6 cities to remove a city manager, and making changes needed to reconcile other sections of said act with the above-described changes in the form of government hereby authorized; and, to provide for holding an election in 1983 on the question of the adoption of the council-manager form of government in any Class 6 municipality wherein the municipal governing body has elected to have a nine-member council, with the change in the form of government becoming operative on the first Monday in October 1986; and to limit the time during which this law shall supersede other laws.

Local Government.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 850, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Reps. Lewis, Howard and Boles (With Notice and Proof):

H. 851. Relating to Jefferson County; to regulate further the branch office of the probate court in the city of Bessemer, providing for the appointment, term of service, duties and compensation of the deputy or assistant judge of probate who serves in the branch office of such court in the city of Bessemer.

Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 851, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Kennedy:

H. 852. To amend Section 36-27-43, Code of Alabama 1975, so as to reopen the state employees' retirement system for certain school bus drivers, mechanics or maintenance workers.

Ways and Means.

RESOLUTIONS

The following resolution was introduced:

By Reps. Kvalheim, Harper, Turner and Gaston:

H. J. R. 355. CREATING A JOINT INTERIM LEGISLATIVE

COMMITTEE TO STUDY THE PURCHASE OF A PORTION OF DAUPHIN ISLAND.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint interim legislative committee to study the feasibility of the purchase by the State of certain areas of Dauphin Island. The committee shall specifically study all aspects of purchasing approximately 8 miles on the western end of Dauphin Island, including but not limited to the availability of funding, the exact description of the land involved and the area's usage after purchase by the State. Said committee shall be composed of six members, three members to be appointed by the President of the Senate and three members to be appointed by the Speaker of the House of Representatives. The chairman and vice chairman shall be selected from among the membership.

Upon request of the chairman, the Secretary of the Senate and the Clerk of the House shall provide such clerical assistance as may be necessary for the committee's work. Each legislative member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses incurred within the State for each day he attends a meeting of the committee when the legislature is not in session or when the legislature is in recess without pay. Such sums shall be paid out of any funds appropriated to the use of the legislature, on warrants drawn on the state comptroller upon requisition signed by the committee's chairman.

MOTION TO SUSPEND RULES AND ADOPT

Rep. Kvalheim offered the motion to suspend the rules and adopt the resolution, H. J. R. 355.

DIVISION OF THE QUESTION

Rep. Adams called for the Division of the Question and the call was sustained.

MOTION TO TEMPORARILY POSTPONE ADOPTED

Rep. Turner offered the motion to temporarily postpone further consideration of the resolution, H. J. R. 355, and the motion was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Reps. Hall, Butler, Brooks, Freeman and Albright:

H. R. 356. MOURNING THE DEATH OF MR. MARION B. AYERS OF MADISON COUNTY, ALABAMA.

Also:

The following resolutions were introduced:

By Reps. Harper, Box, McMillan, Penry, Clark, Buskey, Turner and Kvalheim:

H. J. R. 357. DEMANDING THAT THE P.S.C. DEDUCT ADVERTISING COSTS OF ALABAMA POWER IN CONSIDERING RATE INCREASES.

WHEREAS, the Legislature of Alabama notes that the Alabama Power Company is using its vast resources to defeat H. B. 675, the co-generation

bill; and

WHEREAS, the Alabama Senate has been bombarded with postcards courtesy of Alabama Power; and

WHEREAS, additionally Alabama Power has spent thousands of dollars in misleading advertising, describing the piece of legislation as a "welfare" bill; and

WHEREAS, the horrendous cost of the vendetta against Scott Paper Company and its efforts to create 1,000 new jobs for Alabamians is allegedly being paid by the stockholders of Southern Company and not by the consumers; and

WHEREAS, Alabama Power is consistently and eternally requesting rate increases before the Public Service Commission; now therefore,

BE IT RESOLVED BY THE LEGISLATURE, BOTH HOUSES THEREOF CONCURRING, That we hereby demand that the Public Service Commission deduct all costs of advertising and postage paid by Alabama Power in its campaign to defeat H. B. 675 when confronted by the utility for another rate increase.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to each of the Commissioners of the P.S.C. that they may be aware of our concerns.

MOTION TO SUSPEND RULES AND ADOPT

Rep. Harper offered the motion to suspend the rules and adopt the resolution, H. J. R. 357.

DIVISION OF THE QUESTION

Rep. Johnson (Roy) called for the Division of the Question and the call was sustained.

MOTION TO SUSPEND RULES LOST

The question was then on the motion offered by Rep. Harper to suspend the rules in order to take up for immediate consideration the resolution, H. J. R. 357, and the motion was lost.

Yeas 29; Nays 45.

Yeas:

Reps.: Adams, Albright, Ashley, Bowling, Box, Buskey, Butler, Clark, Dutton, Escott, Faulk, Freeman, Gaston, Hall, Harper, Johnson (R.G.), Kennedy, Kvalheim, Lauderdale, McMillan, Penry, Rice, Thomas, Turner, Turnham, Warren, White (F.) Williams and Zoghby.

—29

Nays:

Mr. Speaker, Biddle, Blakeney, Brakefield, Bryant, Casey, Coleman, Cosby, Davis, Drinkard, Flowers, Ford, Grimsley, Grouby, Harvey, Hettinger, Holley, Horn, Howard, Johnson (A. L.), Johnson (Roy), Junkins, Langford, Layton, Lewis, Martin, Minus, Mitchell, Moore, Murphy, Newman, Nicholson, Payne, Poole, Rains, Richardson, Rogers, Scott, Seibels, Smith, Starr, Trammell, Waggoner, Wilson and Wright.

—45

The resolution, H. J. R. 357, was read and referred to the Standing Committee on Rules.

Also:

By Reps. Carothers, Grimsley, Mathis, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drake, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Seibals, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby:

H. J. R. 358. COMMENDING MR. WALLACE LEE SMITH, JR., PROMINENT HOUSTON COUNTY EDUCATOR.

WHEREAS, the July 1, 1983, retirement of Mr. Wallace Lee Smith, Jr., as principal of Ashford High School brings to a close an outstanding career of 33 years with the Houston County Schools; and

WHEREAS, a native of Dothan, Alabama, and educated in the public schools of that city, Mr. Smith also is a graduate of Alabama State University with a B.S. degree and of Tuskegee Institute where he earned his Master's degree; and

WHEREAS, Mr. Smith is a four-year veteran of the United States Army, including two years overseas duty in Okinawa, and was honorably discharged with the rank of Master Sergeant; and

WHEREAS, Mr. Smith has served the youth of Houston County both as a classroom teacher and as principal and his tenure has spanned the administrations of three superintendents—Mr. Solomon Baxter, Mr. James T. Willoughby and Mr. Louie Sellers; and

WHEREAS, Mr. Smith's professional affiliations include membership in the Alabama and National Education Associations as well as the Alabama State Association of Secondary School Principals; he is a member also of Masonic Lodge #54, Elks Lodge #810, Alpha Phi Alpha Fraternity and of Park Chapel A.M.E. Church where he is faithful in attendance and in service as a member of the Board of Trustees; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Mr. Wallace Lee Smith, Jr., on his accomplished career of 33 years with the Houston County Schools.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to Mr. Smith that he and his wife, Mrs. Lucille G. Smith and their sons, Wally Renee and Gary Jerome Smith, may know of our sincere praise and of our warm best wishes for his every future success.

On motion of Rep. Carothers, the rules were suspended and the resolution, H. J. R. 358, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Reps. Rains and Coleman:

H. R. 359. COMMENDING CHRIS PANKEY OF ALBERTVILLE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

NOTICE IN WRITING

Rep. Hettinger filed the following Notice in Writing:

Notice is hereby given that on the next Legislative Day, a motion will be made to amend the Rules of the House to add the following sentence to House Rule 50. Reasonable effort shall be made to notify all members when a meeting is called.

RESOLUTIONS

The following resolutions were introduced:

By Rep. Dutton:

H. R. 360. MAKING THE ALABAMA STATE BEVERAGE OFFICIALLY "MILK".

WHEREAS, the dairy farmers in the great State of Alabama do an outstanding job of producing natures' most nearly perfect food, "milk"; and

WHEREAS, Alabama is the leading state in this nation in the per cow production of milk and butter from the Jersey breed; and

WHEREAS, the Alabama Legislature recognizes and applauds the persistence and hard work of the Alabama Dairy Farmer; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF ALABAMA, honors our esteemed Dairy Farmers and hereby makes "milk" the official state beverage.

On motion of Rep. Dutton, the rules were suspended and the resolution, H. R. 360, was adopted.

Also:

By Rep. Kvalheim:

H. J. R. 361. CREATING A JOINT INTERIM LEGISLATIVE COMMITTEE TO STUDY THE PURCHASE OF A PORTION OF DAUPHIN ISLAND.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint interim legislative committee to study the feasibility of the purchase by the State of certain areas of Dauphin Island. The committee shall specifically study all aspects of purchasing approximately 8 miles on the western end of Dauphin Island, including but not limited to the availability of funding, the exact description of the land involved and the area's usage after purchase by the State. Said committee shall be composed of six members, three members to be appointed by the President of the Senate and three members to be appointed by the Speaker of the House of Representatives. The chairman and vice chairman shall be selected from among the membership.

Upon the request of the chairman, the Secretary of the Senate and the

Clerk of the House shall provide such clerical assistance as may be necessary for the committee's work. Each legislative member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses incurred within the State for each day he attends a meeting of the committee when the legislature is not in session or when the legislature is in recess without pay. Such sums shall be paid out of any funds appropriated to the use of the legislature, on warrants drawn on the state comptroller upon requisition signed by the committee's chairman provided, however, the total of such sums shall not exceed $7,000.00.

The resolution, H. J. R. 361, was read and referred to the Standing Committee on Rules.

Also:

By Rep. Scott:

H. R. 362. REQUESTING THE EXECUTIVE BRANCH OF THE GOVERNMENT OF THE STATE OF ALABAMA TO MAINTAIN THE TOTAL NUMBER OF STATE EMPLOYEES AT THE PRESENT LEVEL UNTIL THE ECONOMY OF THE STATE OF ALABAMA IMPROVES ENOUGH TO GENERATE ENOUGH REVENUE TO CLEARLY INDICATE THAT THERE WILL BE ENOUGH INCOME TO SUPPORT ANY INCREASE IN THE TOTAL NUMBER OF STATE WORKERS.

WHEREAS, during the first four months of the present administration 1,142 new employees have been added to the State payroll while only some 400 employees have terminated employment, leaving a net gain of approximately 700 workers; and

WHEREAS, the State of Alabama's revenue is severely restricted by the present economic slowdown; and

WHEREAS, the economy is only slowly recovering its vigor; and

WHEREAS, there is no definite assurance of an increase in state revenues in the near future; and

WHEREAS, at the present rate of increase of the number of State workers, the State will have employed almost 2,000 new employees, at an annual cost of approximately $40,000,000, at the end of the first year of the present administration; and

WHEREAS, if this rate of increase is continued for four years, the State will have employed approximately 8,000 new employees resulting in an increase in payroll costs of $160,000,000 at the end of the fourth year; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF THE STATE OF ALABAMA, That we hereby officially petition the executive branch of the government of the State of Alabama to stop the increase in the number of State workers, with its associated increased payroll costs, until a definite need for an increase is evident and there are sufficient State funds available to support an increase.

The resolution, H. R. 362, was read and referred to the Standing Committee on Rules.

Also:

By Rules Committee:

H. R. 363. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That the following business in the order named be made the special, paramount and continuing order of business beginning June 29, 1983, taking precedence over any other business of the House.

Report of Standing Committees

Introduction of Bills and Resolutions

Uncontested Local Bills

Unfinished Business

And the Following Bills:

By Mr. Casey:

H. 396 p. 29 Post-secondary merger bill

By Mr. Carothers:

H. 149 p. 34 Territorial bill, beer

By Mr. Bennett:

H. 380 p. 118 Minimum limits, insurance

By Mr. Smith:

H. 117 p. 24 Commissioner of Agriculture & Industries

By Mr. Owens:

H. 215 p. 3 State personnel board

By Mr. Turner:

H. 758 p. 142 Daulphin Island sewer bill

By Mr. Dutton:

H. 691 p. 126 Absentee ownership, lands

By Mr. Drinkard:

H. 373 p. 117 Homestead exemptions

By Mr. Biddle:

H. 110 p. 33 Real Estate Commission

By Mr. Campbell:

H. 509 p. 134 Banking bill

By Mr. Coleman:

H. 450 p. 81 Time sharing facilities

By Mr. Coleman:

H. 612 p. 67 Housing Authority

By Mr. Stout:

H. 94 p. 108 Veterans funerals

By Mr. Albright:

H. 126 p. 142 Commission of Labor, lay-offs

By Mr. Drinkard:

H. 373 p. 117 Homestead exemptions

By Mrs. Zoghby:

H. 693 p. 126 Capitol renovation

By Mr. Langford:

H. 540 p. 51 Surveyors

By Mr. Casey:

H. 633 p. 109 State income tax check-off

By Mr. Bennett:

H. 165 p. 22 Credit unions

By Mr. Cosby:

H. 534 p. 150 Sales tax, contractors

By Mr. Cosby:

H. 535 p. 151 Use tax, contractors

By Mr. Martin:

H. 230 p. 104 Good Samaritan Law, hazardous waste

By Mr. Martin:

H. 231 p. 10 Special permits oversized loads

By Mr. Melton:

H. 537 p. 127 Continuing education, hearing aids

By Mr. Boles:

H. 307 p. 105 Child support

By Mr. Junkins:

H. 724 p. 141 Industrial relations, officer

By Mr. Biddle:

H. 722 p. 130 Health Advisory Councils

By Mr. Cosby:

H. 275 p. 28 Polygraph examiners

By Mr. Turner:

H. 638 p. 115 Mobile and Baldwin Counties, boundaries

By Mr. White (L):

H 174 p. 16 Water works sewer board

By Mr. Kvalheim:

H. 458 p. 111 Repeal youthful offender

By Ms. Kennedy:

H. 515 p. 109 Telephone communications

By Mr. Layton:

H. 574 p. 68 Senior Citizens Hall of Fame

By Mr. Carothers:

H. 143 p. 73 Hunter education

By Mr. Adams:

H. 227 p. 46 Prison reimbursement

By Mr. Dutton:

H. 690 p. 12-S Black Warrior Wildlife

By Mr. Richards:

H. 197 p. 36 Soil percolation

By Mr. Brooks:

H. 630 p. 107 Windshields, motor vehicles

By Mr. Holley:

H. 626 p. 81 Veterinary Medical Examiners

By Mr. Mitchell:

H. 103 p. 7 Payroll deductions

By Mr. Campbell:

H. 313 p. 54 Sale of abandoned vehicles

By Mr. Turner:

H. 481 p. 131 Abortion bill

By Mr. Grouby:

H. 305 p. 101 Forestry bill

By Mr. Ford:

H. 496 p. 84 Small loans

By Mr. White (L):

H. 656 p. 14-S Bad checks

On motion of Rep. Casey, the resolution, H. R. 363, was adopted.

LEAVE OF ABSENCE

At the request of Rep. Casey, leave of absence was granted for Rep. Coburn.

MOTION TO SUSPEND RULES LOST

The motion offered by Rep. Turnham to suspend the rules in order to take up out of order the bill, H. 233, was lost, lacking a four-fifths vote.

Yeas 50; Nays 23.

Yeas:

Reps.: Adams, Ashley, Biddle, Bowling, Box, Brooks, Bryant, Buskey, Carter, Clikas, Coleman, Crow, Davis, Faulk, Gaston, Grimsley, Grouby,

Hammett, Holmes, Johnson (AL), Junkins, Laird, Lauderdale, Layton, Lewis, McKee, Mathis, Mitchell, Moore, Murphy, Newman, Owens, Preuitt, Rains, Reed, Rice, Scott, Seibels, Smith, Starkey, Starr, Stout, Turnham, Waggoner, Warren, White (F), White (L), Williams, Wilson and Wright.

—50

Nays:

Mr. Speaker, Albright, Blake, Boles, Casey, Clark, Drinkard, Dutton, Escott, Ford, Hall, Holley, Horn, Howard, Johnson (Roy), Kennedy, Martin, Melton, Parker, Payne, Rogers, Trammell and Turner.

—23

H. 424 TEMPORARILY POSTPONED

On motion of Rep. Box, consideration of the bill, H. 424, was temporarily postponed.

H. 747 TEMPORARILY POSTPONED

On motion of Rep. Langford, consideration of the bill, H. 747, was temporarily postponed.

H. 698 TEMPORARILY POSTPONED

On motion of Rep. Clikas, consideration of the bill, H. 698, was temporarily postponed.

SPECIAL ORDER

The House then proceeded with the consideration of the uncontested local bills on the Special Order Calendar.

And the bill:

H. 218. (With Amendment): Relating to Jackson County; providing for the establishment of a consolidated and unified system for assessment and collection of taxes, under the supervision of an elected county official designated as county revenue commissioner; providing for the compensation of such official; repealing conflicting laws; and providing for a referendum.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 1, said committee amendment being as follow:

Amend H. B. 218, Page 2, Section 6, Lines 35, 36 and 37 after the word "salary" by striking the following:

~~of $36,000.00, payable in equal monthly installments out of the general fund of the county.~~ and insert in lieu thereof the following: provided by law.

And the amendment was adopted.

Yeas 40; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Biddle, Blake, Boles, Bowling, Bryant, Carter, Casey, Clikas, Coleman, Faulk, Gaston, Goodwin, Grimsley, Hammett, Harper, Hettinger, Holmes, Junkins, Lauderdale, Layton, McKee, Martin, Mathis, Mitchell, Moore, Murphy, Newman, Nicholson,

Rains, Richardson, Scott, Thomas, Trammell, Turner, Venable and Waggoner.

—40

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 218, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 54; Nays 0.

Yeas:

Speaker, Ashley, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Browder, Bryant, Carter, Casey, Clark, Clikas, Coleman, Cosby, Crow, Faulk, Ford, Gaston, Goodwin, Grimsley, Hammett, Harper, Hettinger, Johnson (AL), Junkins, Kennedy, Langford, Lauderdale, Layton, McKee, McMillan, Martin, Mathis, Moore, Newman, Parker, Payne, Rains, Richardson, Scott, Smith, Starr, Thomas, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, White (L), and Wilson.

—54

And the bill:

H. 222. (With Amendment): Relating to Jackson County; providing for the county governing body to reimburse the office of tax collector and probate judge for any monetary loss resulting from the performance of official duties for errors or mistakes made in good faith, not to exceed a certain maximum per annum; and providing such funds shall be payable from the general fund of the county.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No.1, said committee amendment being as follows:

On page 1, on line 14 delete the word "any" and insert in lieu thereof: certain

On page 1, delete Section 1 in its entirety and substitute in lieu thereof:

Section 1. The Jackson County governing body shall reimburse the office of tax collector and probate judge from the general fund of the county the amount of any monetary loss, not to exceed a total of two thousand dollars ($2,000.00) per annum, arising or caused by error, if the mistake or omission was caused without their personal knowledge and said mistake or omission arose from acceptance of worthless or forged checks.

And the amendment was adopted.

Yeas 61; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Browder, Bryant, Carter, Casey, Clark, Clikas, Coleman, Cosby, Drinkard, Faulk, Ford, Gaston, Goodwin, Grouby,

Hammett, Harper, Hettinger, Holmes, Junkins, Kennedy, Lauderdale, Layton, McKee, McMillan, Martin, Mathis, Melton, Mitchell, Moore, Newman, Nicholson, Parker, Payne, Rains, Rice, Richardson, Scott, Seibels, Smith, Starkey, Starr, Thomas, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, White (L), and Wilson.

—61

And the bill:

H. 222. Relating to Jackson County; providing for the county governing body to reimburse the office of tax collector and probate judge for certain monetary loss resulting from the performance of official duties for errors or mistakes made in good faith, not to exceed a certain maximum per annum; and providing such funds shall be payable from the general fund of the county.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 65; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Browder, Bryant, Carter, Casey, Clark, Clikas, Coleman, Cosby, Crow, Drinkard, Escott, Faulk, Flowers, Ford, Gaston, Goodwin, Hammett, Harper, Hettinger, Holmes, Howard, Junkins, Kennedy, Laird, Lauderdale, Layton, McKee, McMillan, Martin, Mathis, Melton, Mitchell, Moore, Newman, Nicholson, Parker, Payne, Rains, Rice, Richardson, Scott, Seibels, Smith, Starkey, Starr, Thomas, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, White (L), and Wilson.

—65

And the bill:

H. 772. Relating to Henry County only; fixing the fee for issuance of a pistol permit by the sheriff; providing for the distribution and use of such fees; and repealing all laws in conflict herewith.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 62; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Browder, Bryant, Carter, Casey, Clark, Clikas, Coleman, Cosby, Crow, Drinkard, Faulk, Flowers, Ford, Gaston, Goodwin, Grouby, Hammett, Harper, Hettinger, Holmes, Junkins, Kennedy, Lauderdale, Layton, McKee, McMillan, Martin, Mathis, Mitchell, Moore, Murphy, Newman, Nicholson, Parker, Rains, Rice, Richardson, Scott, Seibels, Smith, Starkey, Starr, Thomas, Trammell,Tucker, Turner, Turnham, Venable, Waggoner, White (L), and Wilson.

—62

And the bill:

H. 773. Relating to Henry County; providing for the establishment of a consolidated and unified system for assessment and collection of taxes, under the supervision of an elected county official designated as county rev-

enue commissioner; providing for the compensation of such official; and repealing conflicting laws.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 64; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Browder, Bryant, Carter, Casey, Clark, Clikas, Coleman, Cosby, Crow, Drinkard, Escott, Faulk, Flowers, Ford, Gaston, Goodwin, Grouby, Hammett, Harper, Hettinger, Holmes, Junkins, Kennedy, Laird, Lauderdale, Layton, McMillan, Martin, Mathis, Melton, Mitchell, Moore, Murphy, Newman, Nicholson, Owens, Parker, Rains, Rice, Richardson, Scott, Seibels, Smith, Starkey, Thomas, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, White (L), and Wilson.

—64

And the bill:

S. 355. To further amend Section 1 of Act No. 103, H. 372, Regular Session, 1963 (Acts of Alabama 1963, p. 486) as amended so as to further provide for the salary of the superintendent of education of Walker County.

Was read a third time at length and passed.

Yeas 64; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Browder, Bryant, Carter, Casey, Clark, Clikas, Coleman, Cosby, Crow, Drinkard, Faulk, Flowers, Ford, Gaston, Goodwin, Hammett, Harper, Hettinger, Holmes, Johnson (AL), Junkins, Kennedy, Langford, Lauderdale, Layton, McKee, McMillan, Martin, Mathis, Mitchell, Moore, Murphy, Newman, Nicholson, Owens, Parker, Rains, Rice, Richardson, Scott, Seibels, Smith, Starkey, Thomas, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, White (F), White (L), and Wilson.

—64

And the bill:

S. 440. Relating to Calhoun County; amending Section 9 of Act No. 154, H. 746, of the 1965 Regular Session, which created the office of commissioner of licenses in certain counties classified on a population basis, so as to provide further for fees collected for issuing motor vehicle license tags by mail.

Was read a third time at length and passed.

Yeas 67; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Browder, Bryant, Carter, Casey, Clark, Clikas, Coleman, Cosby, Crow, Drinkard, Escott, Faulk, Flowers, Ford, Gaston, Goodwin, Grouby, Hammett, Harper, Hettinger, Holmes, Johnson (AL), Junkins, Kennedy, Laird, Langford, Lauderdale, Layton, McMillan, Martin, Mathis, Melton, Mitchell, Moore, Newman, Owens, Parker, Rains, Rice,

Richardson, Scott, Seibels, Smith, Starkey, Thomas, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Wilson and Zoghby.

—67

And the bill:

H. 797. To amend Section 5 of Act No. 82-362, H. 772, of the Regular Session of 1982, relating to the compensation of deputy sheriffs in Calhoun County, so as to clarify the date on which such act shall become effective.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 69; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Carter, Casey, Clark, Clikas, Coleman, Cosby, Crow, Drinkard, Escott, Faulk, Ford, Gaston, Goodwin, Grimsley, Grouby, Hammett, Harper, Hettinger, Holmes, Johnson (AL), Junkins, Kennedy, Laird, Langford, Lauderdale, Layton, McKee, McMillan, Martin, Mathis, Melton, Mitchell, Moore, Newman, Owens, Parker, Rains, Rice, Richardson, Scott, Seibels, Smith, Starkey, Thomas, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams and Wilson.

—69

And the bill:

H. 801. Relating to Walker County; providing an additional expense allowance for the coroner.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 68; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Carter, Casey, Clark, Clikas, Coleman, Cosby, Crow, Drinkard, Escott, Faulk, Flowers, Ford, Gaston, Goodwin, Grimsley, Grouby, Hammett, Harper, Hettinger, Holmes, Johnson (AL), Junkins, Kennedy, Lauderdale, Layton, McMillan, Martin, Mathis, Melton, Mitchell, Moore, Murphy, Newman, Owens, Parker, Penry, Rains, Rice, Richardson, Scott, Smith, Starkey, Stout, Thomas, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L) and Williams.

—68

And the bill:

H. 747. Relating to Montgomery County; providing further for the compensation of the judge of probate.

With pending substitutes offered on the twenty-first legislative day, was taken up.

SUBSTITUTE OFFERED

Rep. Starr offered the following substitute to the bill, H. 747, and to the pending substitutes, said substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

Relating to Montgomery County; providing further for the compensation of the judge of probate.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The judge of probate of Montgomery County shall receive as his compensation $40,000.00 as the total compensation paid to said judge. Said compensation shall be paid out of the general fund of Montgomery County.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 43; Nays 0.

Yeas:

Mr. Speaker, Ashley, Biddle, Blakeney, Bowling, Box, Brooks, Bryant, Buskey, Clark, Clikas, Coleman, Drinkard, Faulk, Ford, Gaston, Grimsley, Grouby, Johnson (AL), Kennedy, Langford, Lauderdale, McKee, Moore, Newman, Owens, Penry, Poole, Rains, Rice, Scott, Starkey, Starr, Thomas, Tucker, Turner, Turnham, Venable, Warren, White (F), Williams, Wilson and Zoghby.

—43

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 747, was thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 53; Nays 0.

Yeas:

Mr. Speaker, Ashley, Blake, Blakeney, Bowling, Box, Brakefield, Brooks, Bryant, Buskey, Butler, Clark, Clikas, Coleman, Davis, Drinkard, Faulk, Flowers, Ford, Gaston, Goodwin, Grimsley, Grouby, Horn, Johnson (AL), Junkins, Kennedy, Kvalheim, Langford, Lauderdale, McKee, Mitchell, Newman, Owens, Parker, Penry, Poole, Rains, Rice, Rogers, Scott, Smith, Starkey, Starr, Thomas, Tucker, Turner, Turnham, Venable, White (F), Williams, Wilson and Zoghby.

—53

The House then proceeded with the consideration of the Unfinished

Business on the Special Order Calendar.

And the bill:

H. 264. To amend sections 32-5A-191 and 32-5A-194, Code of Alabama 1975, which related to offenses and penalties and matters of evidence related to driving under the influence of alcohol or controlled substances (DUI), so as to lower the minimum weight of alcohol in the blood required to convict a person under said section 32-5A-191, to provide that such minimum alcohol limits create a conclusive presumption of guilt or fault; and to generally increase the penalties and other sanctions for various degrees of violations of section 32-5A-191.

As amended on the twenty-second legislative day, was taken up.

AMENDMENT OFFERED

Rep. Lewis offered the following amendment to the bill, H. 264 as amended:

Amend the Substitute to H. B. 264 on page 5, Section 1, Line 21 by deleting after the word figure $1,000.00 the following: ~~which ½ of such shall to go Local Mental Health~~

SUBSTITUTE AMENDMENT OFFERED

Rep. Hall offered the following substitute amendment to the amendment offered by Rep. Lewis to the bill, H. 264 as amended:

Amend Substitute to House Bill 264, page 5, Section 1, Line 21, after the word "Health" by adding the following: and must be used in alcohol rehabilitation programs

SUBSTITUTE AMENDMENT TABLED

On motion of Rep. Lewis, the substitute amendment offered by Rep. Hall of the amendment offered by Rep. Lewis to the bill, H. 264 as amended, was tabled.

Yeas 54; Nays 29.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Biddle, Blake, Blakeney, Brakefield, Brooks, Browder, Carter, Casey, Clark, Clikas, Crow, Drinkard, Gaston, Goodwin, Grimsley, Harper, Harvey, Holley, Howard, Johnson (AL), Johnson (RG), Johnson (Roy), Kvalheim, Laird, Lauderdale, Layton, Lewis, McKee, McMillan, Moore, Murphy, Newman, Owens, Payne, Penry, Poole, Rains, Rice, Sasser, Seibels, Starr, Tucker, Turner, Turnham, Venable, Waggoner, White (L), Wilson, Wright and Zoghby.

—54

Nays:

Reps.: Albright, Boles, Bowling, Box, Bryant, Buskey, Butler, Coleman, Cosby, Davis, Faulk, Ford, Freeman, Hall, Hammett, Horn, Junkins, Kennedy, Mathis, Minus, Mitchell, Nicholson, Parker, Scott, Starkey, Thomas, Trammell, Warren and Williams.

—29

AMENDMENT ADOPTED

The question was then on the amendment offered by Rep. Lewis to the bill, H. 264 as amended, and the amendment was adopted.

Yeas 75; Nays 5.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Biddle, Blake, Blakeney, Brakefield, Brooks, Browder, Bryant, Butler, Carter, Casey, Clikas, Coleman, Cosby, Crow, Davis, Drinkard, Escott, Faulk, Ford, Gaston, Goodwin, Grimsley, Hammett, Harper, Harvey, Holley, Horn, Howard, Johnson (AL), Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, McKee, McMillan, Martin, Mathis, Melton, Minus, Murphy, Newman, Owens, Parker, Penry, Poole, Rains, Rice, Richardson, Rogers, Sasser, Seibels, Starkey, Starr, Thornton, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Warren, White (L), Williams, Wilson, Wright and Zoghby.

—75

Nays:

Reps. Albright, Buskey, Freeman, Hall and Nicholson.

—5

MOTION TO RECONSIDER ADOPTED

Having previously filed a Notice in Writing, Rep. Carothers offered the motion to reconsider the vote by which the amendment offered by him to the bill, H. 264 as amended, on the twenty-second legislative day, was adopted, and the motion to reconsider was adopted.

AMENDMENT TABLED

The question was then on the amendment offered by Rep. Carothers to the bill, H. 264 as amended, on the twenty-second legislative day, and on motion of Rep. Carothers the amendment was tabled.

Yeas 85; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Biddle, Blakeney, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Carothers, Carter, Casey, Clark, Clikas, Coleman, Cosby, Crow, Davis, Drinkard, Escott, Faulk, Ford, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Holley, Howard, Johnson (AL), Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Langford, Lauderdale, Layton, Lewis, McMillan, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Rains, Rice, Richardson, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson and Wright.

—85

AMENDMENT OFFERED

Rep. Carothers offered the following amendment #2 to the bill, H. 264 as amended:

Amend Substitute to House Bill 264, Section 32-5A-191(d) page 5, line 35, by striking all of subsection (d) and substituting in lieu thereof the following:

(d) On a second conviction within a five year period, the person convicted of violating this section shall be punished by a fine of not less than $500.00 nor more than $2,500.00 and by imprisonment, which may include hard labor in the county or municipal jail for not more than one year. Said sentence to include a mandatory sentence which is not subject to suspension or probation of imprisonment in the county or municipal jail for not less than forty-eight consecutive hours or community service for not less than twenty days. In addition the Director of Public Safety shall revoke the driving privileges or drivers license of the person so convicted for a period of one year.

SUBSTITUTE AMENDMENT OFFERED

Rep. Hammett offered the following substitute amendment to the amendment #2 offered by Rep. Carothers to the bill, H. 264 as amended:

Amend H. B. 264, as substituted and amended, as follows:

On page 5, line 35, delete all of subsection (d) and insert in lieu thereof the following:

"On a second conviction within a five-year period the person convicted of violating this section shall be punished by a fine of not less than five hundred dollars nor more than two thousand five hundred dollars and be sentenced to not less than 30 days nor more than one year; provided, however, during the term of the sentence the judge may, after the first 48 hours of continuous confinement, allow the person convicted to continue his regular employment or public service work under the direction of the judge and return to confinement at the end of each work period. In addition to the above, the director of public safety shall revoke the driving privileges or driving license of persons so convicted for a period of one year.

SUBSTITUTE AMENDMENT TABLED

On motion of Rep. Carothers, the substitute amendment offered by Rep. Hammett to the amendment #2 offered by Rep. Carothers to the bill, H. 264 as amended, was tabled.

Yeas 56; Nays 34.

Yeas:

Mr. Speaker, Albright, Bennett, Blake, Boles, Box, Brakefield, Bryant, Buskey, Carothers, Casey, Clark, Clikas, Davis, Faulk, Freeman, Grimsley, Grouby, Hall, Harper, Harvey, Holley, Horn, Johnson (AL), Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lewis, Mathis, Melton, Moore, Murphy, Newman, Parker, Payne, Poole, Reed, Rice, Rogers, Scott, Smith, Starr, Thomas, Trammell, Tucker, Turnham, Warren, White (F), White (L), Williams, Wilson and Zoghby.

—56

Nays:

Reps.: Adams, Ashley, Blakeney, Brooks, Browder, Butler, Carter, Cosby, Crow, Drinkard, Dutton, Flowers, Gaston, Goodwin, Hammett, Hettinger, Howard, Lauderdale, McKee, McMillan, Martin, Minus, Mitchell, Nichol-

son, Owens, Penry, Preuitt, Rains, Richardson, Seibels, Starkey, Turner, Venable and Wright.

—34

AMENDMENT ADOPTED

The question was then on the amendment #2 offered by Rep. Carothers to the bill, H. 264 as amended, and the amendment was adopted.

Yeas 47; Nays 43.

Yeas:

Mr. Speaker, Albright, Bennett, Biddle, Blake, Boles, Box, Bryant, Buskey, Carothers, Casey, Clark, Clikas, Cosby, Davis, Escott, Faulk, Freeman, Goodwin, Grimsley, Hall, Harper, Harvey, Horn, Johnson (AL), Johnson (RG), Junkins, Kennedy, Kvalheim, Langford, Mathis, Melton, Moore, Newman, Reed, Scott, Smith, Starkey, Starr, Stout, Trammell, Tucker, Turnham, White (L), Williams, Wilson and Zoghby.

—47

Nays:

Reps.: Adams, Ashley, Blakeney, Brooks, Browder, Butler, Carter, Crow, Drinkard, Dutton, Flowers, Gaston, Grouby, Hammett, Hettinger, Holley, Johnson (Roy), Laird, Lauderdale, Layton, Lewis, McKee, McMillan, Minus, Murphy, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Rice, Richardson, Sasser, Seibels, Turner, Venable, Waggoner, Warren, White (F), and Wright.

—43

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bills, your signature thereto is requested:

S. 355. To further amend Section 1 of Act No. 103, H. 372, Regular Session, 1963 (Acts of Alabama 1963, p. 486) as amended so as to further provide for the salary of the superintendent of education of Walker County.

Also:

S. 440. Relating to Calhoun County; amending Section 9 of Act No. 154, H. 746, of the 1965 Regular Session, which created the office of commissioner of licenses in certain counties classified on a population basis, so as to provide further for fees collected for issuing motor vehicle license tags by mail.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had ben publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing Message from the Senate.

H. 264 RESUMED

AMENDMENT OFFERED

Rep. Mathis offered the following amendment to the bill, H. 264 as amended:

Amend Substitute to H. B. 264 on page 6, by making a Section F and renumber accordingly:

In any proceeding where the sobriety of the defendant is at issue, testimony may be offered on behalf of either party as to the financial responsibility or worth of the defendant. Testimony may further be offered as to existence of liability insurance and amount of liability insurance of the defendant.

AMENDMENT TABLED

On motion of Rep. Lewis, the amendment offered by Rep. Mathis to the bill, H. 264 as amended, was tabled.

Yeas 74; Nays 13.

Yeas:

Reps.: Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Bowling, Brooks, Browder, Bryant, Buskey, Butler, Carter, Clark, Clikas, Coleman, Cosby, Crow, Drinkard, Dutton, Escott, Flowers, Ford, Freeman, Goodwin, Grimsley, Grouby, Hammett, Harper, Harvey, Hettinger, Holley, Howard, Johnson (RG), Johnson (Roy), Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Melton, Minus, Mitchell, Moore, Murphy, Newman, Owens, Parker, Payne, Penry, Preuitt, Rice, Richardson, Sasser, Scott, Seibels, Smith, Starkey, Starr, Thomas, Turner, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

—74

Nays:

Reps. Boles, Box, Gaston, Horn, Junkins, Kennedy, Mathis, Nicholson, Poole, Rains, Reed, Tucker and Turnham.

—13

AMENDMENT OFFERED

Rep. Brooks offered the following amendment to the bill, H. 264 as amended:

Amend the Substitute to HB 264 on page 5, Section (5), subsection (c), line 20 by inserting after the word "for" the following: a minimum of 24 hours which shall be served in the county or municipal jail and which cannot be prorated or suspended (and which must be served within 30 days of conviction, the exact day to be at the discretion of the judge) and for

AMENDMENT TABLED

On motion of Rep. Hall, the amendment offered by Rep. Brooks to the bill, H. 264 as amended, was tabled.

Yeas 50; Nays 29.

Yeas:

Mr. Speaker, Adams, Bennett, Blake, Brakefield, Bryant, Carter, Casey, Clark, Cosby, Davis, Drinkard, Faulk, Ford, Freeman, Gaston, Goodwin, Grimsley, Hall, Hammett, Harper, Harvey, Horn, Howard, Johnson (AL), Kvalheim, Langford, Layton, McMillan, Martin, Mathis, Melton, Minus, Newman, Parker, Penry, Rice, Rogers, Scott, Smith, Starkey, Starr, Stout, Trammell, Tucker, Turner, Turnham, Waggoner, White (F) and Williams.

—50

Nays:

Reps.: Ashley, Blakeney, Box, Brooks, Browder, Buskey, Butler, Clikas, Flowers, Hettinger, Holley, Johnson (RG), Johnson (Roy), Junkins, Laird, Lauderdale, McKee, Mitchell, Moore, Murphy, Nicholson, Owens, Poole, Preuitt, Rains, Richardson, White (L), Wilson and Wright.

—29

AMENDMENT OFFERED

Rep. Laird offered the following amendment to the bill, H. 264 as amended:

Line 24, pg. 6 insert in lieu of Section F the following:

(f) ~~Provided, however,~~ t The court, at its discretion, may ~~suspend the service of this sentence, and~~ order the a convicted person into an approved public or private DUI referral program. Said program shall include a preliminary evaluation at his or her expense by a certified alcohol and controlled substance abuse counselor, as to the seriousness of the convicted defendant's problem. The counselor may issue a recommendation to the court based on said preliminary evaluation, and where the court finds the convicted person to be a problem drinker, alcohol or controlled substance abuser, the court shall order him or her, as ~~a condition of the suspension of sentence~~, to enter an approved out-patient or combination in-patient/out-patient program not exceeding two years at his or her own expense. ~~Where the said evaluation indicates no present drug or alcohol problem, the court may continue the suspension of the sentence if the convicted person will agree to enter an approve out patient treatment program for a minimum of 26 hours at his or her own expense.~~

In all cases, appropriate reports from the treatment facilities shall be made not less frequently than monthly to the court, as to the progress of the person in the program. In addition, any person found by the court to be failing to comply with his or her treatment program shall be guilty of contempt of court. ~~and shall have the suspended sentence revoked and be required to serve the original sentence.~~

and renumber present Sec "F." to "G."

AMENDMENT TABLED

On motion of Rep. Lewis, the amendment offered by Rep. Laird to the bill, H. 264 as amended, was tabled.

Yeas 77; Nays 14.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Biddle, Blake, Blakeney, Box, Brakefield, Brooks, Butler, Carothers, Carter, Casey, Clark, Clikas,

Coleman, Cosby, Crow, Davis, Drinkard, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Howard, Johnson (AL), Johnson (RG), Johnson (Roy), Kennedy, Kvalheim, Layton, Lewis, McKee, McMillan, Martin, Mathis, Minus, Mitchell, Moore, Murphy, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rogers, Sasser, Scott, Smith, Starkey, Starr, Stout, Tucker, Turner, Venable, Waggoner, Warren, White (F), Williams, Wilson, Wright and Zoghby.

—77

Nays:

Reps.: Albright, Bowling, Bryant, Dutton, Horn, Junkins, Laird, Langford, Lauderdale, Rains, Rice, Richardson, Trammell and White (L).

—14

AMENDMENT OFFERED

Rep. Venable offered the following amendment to the bill, H. 264 as amended:

On page 6, line 30, add new subsection H. H. Upon conviction, the judge shall inform the person so convicted of the penalties for any subsequent convictions. This may be done in person or in writing.

AMENDMENT TABLED

On motion of Rep. Johnson (Roy), the amendment offered by Rep. Venable to the bill, H. 264 as amended, was tabled.

Yeas 50; Nays 30.

Yeas:

Mr. Speaker, Adams, Ashley, Biddle, Blake, Blakeney, Brooks, Butler, Casey, Clark, Clikas, Coleman, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Flowers, Gaston, Goodwin, Hall, Holley, Johnson (RG), Johnson (Roy), Kvalheim, Laird, Lauderdale, Layton, Lewis, McKee, Martin, Mathis, Melton, Mitchell, Moore, Parker, Payne, Preuitt, Sasser, Smith, Starkey, Starr, Thomas, Trammell, Turner, Waggoner, Warren, Wilson and Wright.

—50

Nays:

Reps.: Box, Buskey, Carter, Cosby, Grimsley, Grouby, Hammett, Holmes, Horn, Howard, Johnson (AL), Junkins, Kennedy, McMillan, Minus, Murphy, Newman, Nicholson, Owens, Penry, Poole, Reed, Rice, Rogers, Scott, Turnham, Venable, White (L), Williams and Zoghby.

—30

And the bill:

H. 264. To amend Sections 32-5-192, 32-5A-191, 32-5A-192, 32-6-19, and 11-45-9, Code of Alabama 1975, relating to offenses and penalties for refusal to submit to a chemical test under 32-5-192 (Implied Consent); to generally increase the penalties and other sanctions for violation of 32-5A-191 (DUI); to clarify the penalty for violation of 32-5A-192 relating to Homicide by Vehicle; to generally increase the penalty for violation of Section 32-6-19 relating to Driving While Revoked; and to allow municipal

courts to enforce increased penalties under 32-5A-191 (DUI) by amending 11-45-9.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 90; Nays 3.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brooks, Browder, Butler, Carothers, Carter, Casey, Clark, Clikas, Coleman, Cosby, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harvey, Holley, Howard, Johnson (AL), Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Rice, Richardson, Sasser, Scott, Seibels, Starkey, Starr, Stout, Thomas, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

—90

Nays: Reps.: Buskey, Holmes and Reed. —3

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Mitchem:

S. J. R. 233. LEGISLATIVE MEETING DAYS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in lieu of Monday, July 11, 1983, the legislature shall meet on Friday, July 22. All other meeting dates as set out in H.J.R. 286 of the 1983 Regular Session shall remain in effect.

SENATE MESSAGE

Rep. Johnson (Roy) offered the motion to suspend the rules and adopt the resolution, S. J. R. 233.

DIVISION OF THE QUESTION

Rep. Box called for the Division of the Question and the call was sustained.

MOTION TO SUSPEND RULES LOST

The question was then on the motion offered by Rep. Johnson (Roy) to suspend the rules in order to take up for immediate consideration the resolution, S. J. R. 233, and the motion was lost, lacking a four-fifths vote.

Yeas 44; Nays 30.

Yeas:

Mr. Speaker, Albright, Bennett, Blake, Bowling, Buskey, Casey, Clikas, Coleman, Cosby, Crow, Davis, Escott, Gaston, Goodwin, Grouby, Harper, Holley, Holmes, Howard, Johnson (AL), Johnson (Roy), Junkins, Kennedy,

Kvalheim, McKee, McMillan, Martin, Melton, Minus, Moore, Newman, Owens, Parker, Penry, Poole, Rice, Rogers, Stout, Trammell, Turner, Warren, White (F), and Zoghby.

—44

Nays:

Reps.: Box, Brooks, Butler, Carter, Clark, Drinkard, Faulk, Ford, Freeman, Grimsley, Hammett, Harvey, Johnson (RG), Laird, Lauderdale, Lewis, Mathis, Mitchell, Murphy, Rains, Reed, Richardson, Scott, Starkey, Starr, Tucker, Turnham, Waggoner, White (L) and Wright.

—30

The resolution, S. J. R. 233, was read and referred to the Standing Committee on Rules.

SPECIAL ORDER RESUMED

And the bill:

H. 396. (With Substitute): To authorize any two or more post-secondary institutions of higher education supported in whole or in part by state appropriations and operating as a nonprofit or public corporation under the laws of the State of Alabama.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on State Administration, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To authorize the merger of any two or more post-secondary institutions of higher education supported in whole or in part by state appropriations and operating as a non-profit or public corporation under the laws of the State of Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. Any two or more postsecondary institutions of higher education supported in whole or in part by state appropriations and operating as a non-profit or public corporation under the laws of Alabama may merge into one of such corporations pursuant to a plan of merger approved by the governing boards of each such institution.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 48; Nays 12.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Biddle, Box, Browder, Butler, Casey, Clikas, Cosby, Crow, Drinkard, Dutton, Flowers, Gaston, Grimsley, Grouby, Harper, Harvey, Holley, Horn, Johnson (RG), Johnson (Roy), Kvalheim,

Laird, Lauderdale, McKee, Melton, Minus, Mitchell, Moore, Murphy, Poole, Preuitt, Rains, Richardson, Scott, Seibels, Smith, Turner, Venable, Waggoner, Warren, Williams, Wilson, Wright and Zoghby.

—48

Nays:

Reps. Brooks, Coleman, Ford, Howard, Junkins, Kennedy, Newman, Rice, Starr, Turnham, White (F) and White (L).

—12

PERMISSION GRANTED

Permission was granted for the Journal to show that Rep. Brakefield would have voted "Yea" on the bill, H. 264, had he been present at the time of voting.

MOTION TO TEMPORARILY POSTPONE

Rep. Holmes offered the motion to temporarily postpone further consideration of the bill, H. 396 as amended.

MOTION TO TABLE LOST

The motion offered by Rep. Casey to table the motion to postpone offered by Rep. Holmes, was lost.

Yeas 35; Nays 49.

Yeas:

Mr. Speaker, Blake, Browder, Casey, Clikas, Cosby, Faulk, Flowers, Gaston, Grimsley, Grouby, Hammett, Harper, Hettinger, Holley, Horn, Johnson (Roy), Kvalheim, Layton, Minus, Mitchell, Murphy, Newman, Nicholson, Poole, Preuitt, Rogers, Scott, Seibels, Smith, Trammell, Turner, Waggoner, Williams and Wright.

—35

Nays:

Reps.: Ashley, Blakeney, Bowling, Box, Brooks, Bryant, Buskey, Butler, Carothers, Coleman, Crow, Davis, Drinkard, Escott, Ford, Goodwin, Harvey, Holmes, Johnson (RG), Junkins, Kennedy, Laird, Langford, Lauderdale, Lewis, McKee, McMillan, Martin, Mathis, Melton, Parker, Payne, Penry, Rains, Reed, Rice, Richardson, Sasser, Starkey, Starr, Stout, Thomas, Turnham, Venable, Warren, White (F), White (L), Wilson and Zoghby.

—49

H. 396 TEMPORARILY POSTPONED

The question when then on the motion offered by Rep. Holmes to temporarily postpone further consideration of the bill, H. 396 as amended, and the motion was adopted.

RESOLUTION

The following resolution was introduced:

By Rep. Holley:

H. J. R. 364. COMMENDING THE ENTERPRISE RESCUE SQUAD.

WHEREAS, the Enterprise Rescue Squad has, since its inception, devoted its untiring efforts to limiting death and disability in the Enterprise area; and

WHEREAS, the thirty-one members of the Enterprise Rescue Squad have worked together to become a valuable part of the Emergency Medical Services System; and

WHEREAS, the Enterprise Rescue Squad is comprised of more Paramedics than any volunteer Rescue Squad in the State of Alabama; and

WHEREAS, the Enterprise Rescue Squad will, on July 4, 1983, celebrate its twentieth anniversary as an organized Rescue Squad; and

WHEREAS, the Enterprise Rescue Squad enjoys a perfect record of twenty years of service to the community without an accident; and

WHEREAS, the training, skill, dedication, and efficiency of the Enterprise Rescue Squad have earned the support of their community, and served to save many lives; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby commend the members of the Enterprise Rescue Squad for their twenty years of unselfish service to their community.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to the Enterprise Rescue Squad and to the Southeast Alabama Emergency Medical Services Council.

On motion of Rep. Holley, the rules were suspended and the resolution, H. J. R. 364, was adopted.

MOTION TO RECOMMIT TABLED

On motion of Rep. Carothers, the motion offered by Rep. Laird to recommit the bill, H. 149, to the Standing Committee on Business and Labor, was tabled.

Yeas 53; Nays 14.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Biddle, Blake, Box, Brakefield, Carothers, Casey, Clark, Cosby, Crow, Davis, Drinkard, Escott, Faulk, Ford, Goodwin, Grimsley, Grouby, Harper, Harvey, Holmes, Horn, Johnson (AL), Johnson (RG), Johnson (Roy), Junkins, Layton, McMillan, Melton, Minus, Mitchell, Moore, Murphy, Newman, Nicholson, Owens, Penry, Preuitt, Rice, Rogers, Seibels, Starkey, Stout, Trammell, Turner, Waggoner, Warren, White (F), White (L), and Wright.

—53

Nays:

Reps.: Butler, Clikas, Gaston, Holley, Kennedy, Kvalheim, McKee, Poole, Reed, Richardson, Smith, Turnham, Williams and Zoghby.

—14

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same here-

with to the House:

H. 441. Proposing an amendment to the Constitution of 1901 to authorize the State of Alabama, through the Alabama State Docks Department, to convey, without consideration, title to its real property, equipment and facilities in Lauderdale County, Alabama, and known as Alabama State Docks to the Florence-Lauderdale County Port Authority, a public corporation, but subject to existing leases and other contractual agreements now in effect and to authorize the State of Alabama, through the Alabama State Docks Department, to convey, with consideration, title to its real property, equipment and facilities in Morgan County, Alabama, and known as Alabama State Docks to the Decatur-Morgan County Port Authority, a public corporation, and in Walker County, Alabama, known as the State Docks in Cordova in Walker County to the Walker County, Commission but subject to existing leases and other contractual agreements now in effect.

McDOWELL LEE,
Secretary.

SPECIAL ORDER RESUMED

And the bill:

H. 149. To further regulate and control alcoholic beverage transactions in Alabama under the control and supervision of the Alcoholic Beverage Control Board; to provide that each manufacturer or importer of alcoholic beverages selling its products in Alabama through wholesale licensees to retail licensees shall designate sales territories within the state and shall enter into a written territorial agreement naming an exclusive wholesaler for each such designated sale territory, and shall file with Board the designated sales territories and a copy of each territorial agreement; to provide that such territorial agreement may not establish or maintain resale price; to provide for the modification of the designated sales territories and exclusive territorial agreements; to provide for verification by the Board of timely and proper filing of returns and payment of state and local taxes levied on alcoholic beverages by statute; to make it unlawful for any manufacturer or importer to permit its products to be sold in Alabama without the designation of sales territories and exclusive wholesalers for such territories, for any wholesaler to sell alcoholic beverages in any territory other than that designated as his exclusive sales territory or to sell any brand of alcoholic beverages without authorization from its manufacturer or importer, and for any retailer to purchase any alcoholic beverages from a wholesaler which has not been designated as the exclusive wholesaler for such alcoholic beverages for the sales territory within which the retailer's place of business is located; to provide penalties for violation of the provisions of this act; and to repeal all laws or parts of laws in conflict or inconsistent herewith.

Was taken up.

AMENDMENT OFFERED

Rep. Carothers offered the following amendment to the bill, H. 149:

Amend H. 149 by amending Section 6, Page 5, Line 22, by adding the following language immediately at the end of the existing section, as follows:

"Provided, however, this section imposes no duty upon the Board to inspect, examine and audit with respect to local taxes on alcoholic beverages."

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 75; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Biddle, Blake, Bowling, Box, Brakefield, Browder, Butler, Carothers, Carter, Clark, Clikas, Coleman, Cosby, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Ford, Freeman, Goodwin, Grimsley, Grouby, Hammett, Harper, Harvey, Hettinger, Holmes, Horn, Johnson (AL), Johnson (RG), Johnson (Roy), Junkins, Kvalheim, Langford, Lauderdale, Layton, McKee, McMillan, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Newman, Nicholson, Owens, Parker, Penry, Poole, Preuitt, Rice, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Thomas, Trammell, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Wilson and Wright.

—75

MOTION TO POSTPONE TABLED

On motion of Rep. Carothers, the motion offered by Rep. Laird to postpone further consideration of the bill, H. 149 as amended, to the twenty-sixth legislative day, was tabled.

Yeas 48; Nays 13.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Biddle, Blake, Box, Casey, Cosby, Crow, Davis, Drinkard, Flowers, Ford, Gaston, Goodwin, Grouby, Hall, Hammett, Harvey, Holmes, Horn, Howard, Johnson (Roy), Junkins, Lauderdale, Layton, McMillan, Minus, Moore, Newman, Nicholson, Owens, Parker, Penry, Poole, Preuitt, Rice, Rogers, Seibels, Starkey, Trammell, Turner, Venable, Waggoner, Warren, White (L) and Wright.

—48

Nays:

Reps.: Browder, Clark, Grimsley, Harper, Holley, Kennedy, Laird, Lewis, Payne, Rains, Richardson, Williams and Zoghby.

—13

MOTION TO POSTPONE TABLED

On motion of Rep. Carothers, the motion offered by Rep. Laird to postpone further consideration of the bill, H. 149 as amended, to the twenty-fourth legislative day, was tabled.

Yeas 53; Nays 24.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Biddle, Blake, Bowling, Carothers, Casey, Cosby, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Goodwin, Grouby, Hammett, Harvey, Holmes, Howard, Johnson (AL), Johnson (RG), Johnson (Roy), Junkins, Kvalheim, Lauderdale, Layton, McMillan, Melton, Minus, Mitchell, Moore, Newman, Nicholson, Owens, Parker, Penry, Preuitt, Rice, Seibels, Starkey, Trammell,

Turner, Venable, Waggoner, Warren, White (L) and Wright.

—53

Nays:

Reps.: Brooks, Browder, Butler, Clark, Coleman, Gaston, Grimsley, Harper, Hettinger, Holley, Kennedy, Laird, Mathis, Murphy, Payne, Poole, Rains, Richardson, Scott, Smith, Turnham, White (F), Williams and Zoghby.

—24

And the bill, H. 149, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 67; Nays 21.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Bowling, Box, Brakefield, Carothers, Casey, Clark, Coleman, Cosby, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Goodwin, Grouby, Hammett, Harper, Harvey, Hettinger, Holmes, Horn, Howard, Johnson (RG), Junkins, Langford, Lauderdale, Layton, McMillan, Melton, Minus, Mitchell, Moore, Murphy, Newman, Nicholson, Owens, Parker, Penry, Poole, Preuitt, Rice, Rogers, Seibels, Smith, Starkey, Stout, Thomas, Thornton, Trammell, Turner, Venable, Waggoner, Warren, White (L) and Wright.

—67

Nays:

Reps.: Brooks, Browder, Buskey, Butler, Carter, Clikas, Gaston, Grimsley, Holley, Johnson (Roy), Kennedy, Laird, McKee, Mathis, Rains, Richardson, Sasser, Scott, White (F), Williams and Wilson.

—21

And the bill:

H. 380. (With Substitute) (With Amendment): To amend Section 32-7-6 of the Code of Alabama, 1975, commonly known as the Motor Vehicle Safety-Responsibility Act, so as to increase the security required therein.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Judiciary, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To amend Chapter 7 of Title 32 of the Code of Alabama 1975 commonly known as the Motor Vehicle Safety-Responsibility Act by amending Sections 32-7-5, 32-7-6, 32-7-16 and 32-7-23 thereof so as to increase the amount of property damage which must be sustained to require an accident report to be filed and to provide what the term "uninsured motor vehicle" shall include under the uninsured motorist coverage section of the Motor Vehicle Safety-Responsibility Act, increases the amount of payment on judgments necessary to satisfy the requirements of the Motor Vehicle Safety-Responsibility Act, and to increase the maximum amount of liability

required under a motor vehicle liability policy under the Motor Vehicle Safety-Responsibility Act.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 32-7-5, Code of Alabama 1975, is hereby amended to read as follows:

"§ 32-7-5. The operator of every motor vehicle which is in any manner involved in an accident within this state, in which any person is killed or injured or in which damage to the property of any one person, including himself, in excess of ~~50.00~~ 250.00 is sustained, shall within 10 days after such accident report the matter in writing to the director. Such report, the form of which shall be prescribed by the director, shall contain only such information as may be necessary to enable the director to determine whether the requirements for the deposit of security under section 32-7-6 are inapplicable by reason of the existence of insurance or other exceptions specified in this chapter. The director may rely upon the accuracy of the information unless and until he has reason to believe that the information is erroneous. If such operator is physically incapable of making such report, the owner of the motor vehicle involved in such accident shall, within 10 days after learning of the accident, make such report. The operator or the owner shall furnish such additional relevant information as the director shall require."

Section 2. Section 32-7-6, Code of Alabama 1975, is hereby amended to read as follows:

"§ 32-7-6. (a) Security required unless evidence of insurance; when security determined. If 20 days after the receipt of a report of a motor vehicle accident within this state which has resulted in bodily injury or death, or damage to the property of any one person in excess of ~~$50.00~~ 250.00, the director does not have on file evidence satisfactory to him that the person who would otherwise be required to file security under subsection (b) of this section has been released from liability, or has been finally adjudicated not to be liable, or has executed a duly acknowledged written agreement providing for the payment of an agreed amount in installments with respect to all claims for injuries or damages resulting from the accident, the director shall determine the amount of security which shall be sufficient in his judgment to satisfy any judgment or judgments for damages resulting from such accident as may be recovered against each operator or owner.

"(b) Suspension - The director shall, within 60 days after the receipt of such report of a motor vehicle accident, suspend the license of each operator and all registrations of each owner of a motor vehicle in any manner involved in such accident, and if such operator is a nonresident the privilege of operating a motor vehicle within this state, and if such owner is a nonresident the privilege of the use within this state of any motor vehicle owner by him, unless such operator or owner or both shall deposit security in the sum so determined by the director; provided that notice of such suspension shall be sent by the director such operator and owner not less than 10 days prior to the effective date of such suspension and shall state the amount required as security. Where erroneous information is given the director with respect to the matters set forth in subdivisions (1), (2) or (3) of subsection (c) of this section, he shall take appropriate action as hereinbefore provided within 60 days after receipt of him of correct information with respect to said matters.

"(c) Exception - This section shall not apply under the conditions

stated in Section 32-7-7 nor:

"(1) to such operator or owner if such owner had in effect at the time of such accident an automobile liability policy with respect to the motor vehicle involved in such accident;

"(2) to such operator, if not the owner of such motor vehicle, if there was in effect at the time of such accident an automobile liability policy or bond with respect to his operation of motor vehicles not owned by him;

"(3) to such operator or owner if the liability of such operator or owner for damages resulting from such accident is, in the judgment of the director, covered by any other form of liability insurance policy or bond; and

"(4) to any person qualifying as a self-insurer under section 32-7-34, or to any person operating a motor vehicle for such self-insurer.

"No such policy or bond shall be effective under this section unless issued by an insurance company or surety company authorized to do business in this state; except, that if such motor vehicle was not registered in this state, or was a motor vehicle which was registered elsewhere than in this state at the effective date of the policy or bond, or the most recent renewal thereof, such policy or bond shall not be effective under this section unless the insurance company or surety company, if not authorized to do business in this state, shall execute a power of attorney authorizing the director to accept service on its behalf of notice or process in any action upon such policy or bond arising out of such accident; provided, that every such policy or bond is subject, if the accident has resulted in bodily injury or death, to a limit, exclusive of interest and costs, of not less than ~~$10,000~~ 25,000 because of bodily injury to or death of one person in any one accident and subject to said limit for one person, to a limit of not less than ~~$20,000~~ 50,000 because of bodily injury to or death of two or more persons in any one accident, and, if the accident has resulted in injury to or destruction of property, to a limit of not less than ~~$5,000~~ 10,000 because of injury to or destruction of property of others in any one accident."

Section 3. Section 32-7-16, Code of Alabama 1975, is hereby amended to read as follows:

"§ 32-7-16. Judgments herein referred to shall, for the purpose of this chapter only, be deemed satisfied:

"(1) When ~~$10,000~~ 25,000 has been credited upon any judgment or judgments rendered in excess of that amount because of bodily injury to or death of one person as the result of any one accident; or

"(2) When, subject to such limit of ~~$10,000~~ 25,000 because of bodily injury to or death of one person, the sum of ~~$20,000~~ 50,000 has been credited upon any judgment or judgments rendered in excess of that amount because of bodily injury to or death of two or more persons as the result of any one accident; or

"(3) When $5,000 10,000 has been credited upon any judgment or judgements rendered in excess of that amount because of injury to or destruction of property of others as a result of any one accident.

"Payments made in settlement of any claims because of bodily injury, death or property damage arising from a motor vehicle accident shall be credited in reduction of the amounts provided for in this section."

Section 4. Section 32-7-23, Code of Alabama 1975, is hereby amended to read as follows:

"§ 32-7-23. (a) No automobile liability or motor vehicle liability policy insuring against loss resulting from liability imposed by law for bodily injury or death suffered by any person arising out of the ownership, maintenance or use of a motor vehicle shall be delivered or issued for delivery in this state with respect to any motor vehicle registered or principally garaged in this state unless coverage is provided therein or supplemental thereto, in limits for bodily injury or death set forth in subsection (c) of section 32-7-6, under provisions approved by the commissioner of insurance for the protection of persons insured thereunder who are legally entitled to recover damages from owners or operators of uninsured motor vehicles because of bodily injury, sickness or disease, including death, resulting therefrom; provided, that the named insured shall have the right to reject such coverage; and provided further, that unless the named insured requests such coverage in writing, such coverage need not be provided in or supplemental to a renewal policy where the named insured had rejected the coverage in connection with the policy previously issued to him by the same insurer.

"(b) The term 'uninsured motor vehicle' shall include, but is not limited to, motor vehicles with respect to which: (1) neither the owner nor the operator carries bodily injury liability insurance; (2) any applicable policy liability limits for bodily injury are below the minimum required under section 32-7-6; (3) the insurer becomes insolvent after the policy is issued so there is no issuance applicable to, or at the time of, the accident; (4) the owner or operator of the vehicle causing the accident is unknown; (5) the sum of the limits of liability under all bodily injury liability bonds and insurance policies applicable to a covered person after an accident is less than the damages which the covered person is legally entitled to recover."

Section 5. This Act shall become effective immediately following its passage and approval by the Governor or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 67; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Bowling, Box, Browder, Buskey, Butler, Carter, Casey, Clark, Clikas, Cosby, Crow, Davis, Dutton, Escott, Faulk, Gaston, Grimsley, Harper, Hettinger, Holley, Holmes, Horn, Howard, Johnson (AL), Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Mathis, Melton, Mitchell, Moore, Murphy, Newman, Nicholson, Parker, Payne, Poole, Rains, Rogers, Scott, Seibels, Smith, Starkey, Starr, Thomas, Thornton, Trammell, Tucker, Turner, Venable, Waggoner, Warren, Williams, Wilson, Wright and Zoghby.

—67

The question was then on the adoption of the amendment reported by the Standing Committee on Judiciary, said committee amendment being as follows:

Amend the Judiciary Committee Substitute to House Bill 380 in the SYNOPSIS, page 1, line 13, and also in the title of the bill, page 1, line 29, by deleting the word ~~maximum~~ where said word appears on said lines and insert in lieu therefor the word minimum.

And the amendment was adopted.

Yeas 54; Nays 0.

Yeas:

Mr. Speaker, Albright, Bowling, Box, Brakefield, Bryant, Buskey, Carter, Casey, Clark, Cosby, Crow, Davis, Drinkard, Dutton, Escott, Ford, Grimsley, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Johnson (Roy), Junkins, Langford, Lauderdale, Layton, Mathis, Melton, Mitchell, Moore, Newman, Nicholson, Parker, Poole, Rains, Richardson, Rogers, Seibels, Smith, Starkey, Thomas, Thornton, Trammell, Tucker, Turner, Venable, Warren, Williams, Wilson, Wright and Zoghby.

—54

PERMISSION GRANTED

Permission was granted for the Journal to show Rep. Reed would have voted "Yea" on the bill, H. 149, had he been present at the time of voting.

H. 380 RESUMED

H. 380 INDEFINITELY POSTPONED

On motion of Rep. Owens, the bill, H. 380 as amended, was indefinitely postponed.

Yeas 49; Nays 41.

Yeas:

Reps.: Bennett, Blake, Bowling, Brakefield, Browder, Butler, Clikas, Coleman, Cosby, Flowers, Gaston, Goodwin, Hammett, Harper, Harvey, Junkins, Kvalheim, Lauderdale, Layton, Lewis, McKee, McMillan, Martin, Minus, Mitchell, Murphy, Newman, Owens, Parker, Payne, Penry, Preuitt, Reed, Rice, Richardson, Scott, Seibels, Smith, Starr, Trammell, Turner, Venable, Waggoner, Warren, White (F), White (L), Wilson, Wright and Zoghby.

—49

Nays:

Mr. Speaker, Adams, Albright, Ashley, Box, Brooks, Bryant, Buskey, Carter, Casey, Crow, Davis, Drinkard, Dutton, Escott, Ford, Grimsley, Grouby, Hettinger, Holley, Holmes, Horn, Johnson (AL), Johnson (RG), Johnson (Roy), Kennedy, Laird, Langford, Mathis, Melton, Moore, Nicholson, Poole, Rains, Rogers, Sasser, Starkey, Stout, Thornton, Tucker and Williams.

—41

And the bill:

H. 117. (With Substitute): To allow the Commissioner of Agriculture and Industries to appoint no more than four executive or confidential assistants in the unclassified service to serve at his pleasure and who shall perform such duties as may be assigned; to have the Commissioner set the salaries of these assistants in an amount no greater than the position of Executive Assistant III for three assistants and salary range No. 79 of the payroll plan published by the Personnel Department for one assistant. The assistant under salary range No. 79 shall be required to demonstrate recognizable skills as a specialist in agricultural marketing and export development. Said salaries and expenses of all assistants shall be paid from monies appropriated to the Department of Agriculture and Industries.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To allow the Commissioner of Agriculture and Industries to appoint no more than three executive or confidential assistants in the unclassified service to serve at his pleasure and who shall perform such duties as may be assigned; to have the Commissioner set the salaries of these assistants in an amount no greater than the position of Executive Assistant III for two assistants and salary range No. 79 of the payroll plan published by the Personnel Department for one assistant. The assistant under salary range No. 79 shall be required to demonstrate recognizable skills as a specialist in agricultural marketing and export development. Said salaries and expenses of all assistants shall be paid from monies appropriated to the Department of Agriculture and Industries.

Be It Enacted by the Legislature of Alabama:

Section 1. The Commissioner of Agriculture and Industries may, at his discretion, appoint no more than three executive or confidential assistants who shall serve at his pleasure. Said assistants shall be in the unclassified service of the State as defined in Section 36-26-10 and shall perform such duties as may be assigned by the Commissioner unless specific duties are otherwise set out in this law.

Section 2. (a) One assistant shall be required to demonstrate recognizable skills as a specialist in agricultural marketing and export development at the time of his or her employment and shall perform duties as an agricultural market development specialist during the term of employment. This assistant shall be entitled to receive an annual salary to be fixed by the Commissioner of Agriculture and Industries but not to exceed the maximum of salary range No. 79 of the latest payroll plan published by the Personnel Department.

(b) The remaining two assistants shall be entitled to receive an annual salary to be fixed by the Commissioner of Agriculture and Industries, but not exceeding the maximum salary fixed by the Personnel Department for the class title of Executive Assistant III.

(c) The salaries and expenses of all three assistants shall be paid from funds appropriated to the Department of Agriculture and Industries.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 85; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Blake, Blakeney, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Butler, Carter, Casey, Clikas, Coleman, Cosby, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (RG), Johnson (Roy),

Junkins, Kennedy, Kvalheim, Langford, Lauderdale, Layton, McKee, McMillan, Mathis, Melton, Minus, Mitchell, Murphy, Newman, Nicholson, Owens, Parker, Penry, Poole, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Starkey, Starr, Thornton, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

—85

And the bill:

H. 117. To allow the Commissioner of Agriculture and Industries to appoint no more than three executive or confidential assistants in the unclassified service to serve at his pleasure and who shall perform such duties as may be assigned; to have the Commissioner set the salaries of these assistants in an amount no greater than the position of Executive Assistant III for two assistants and salary range No.79 of the payroll plan published by the Personnel Department for one assistant. The assistant under salary range No. 79 shall be required to demonstrate recognizable skills as a specialist in agricultural marketing and export development. Said salaries and expenses of all assistants shall be paid from monies appropriated to the Department of Agriculture and Industries.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 84; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Blake, Blakeney, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Carothers, Carter, Casey, Clark, Clikas, Coleman, Cosby, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Johnson (Roy), Junkins, Kennedy, Kvalheim, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Mathis, Melton, Minus, Mitchell, Murphy, Newman, Nicholson, Parker, Penry, Poole, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Trammell, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

—84

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Stout, the rules were suspended in order to take up out of order the bill, H. 421.

And the bill:

H. 421. To amend Section 34-8A-7, Code of Alabama 1975, relating to qualifications for professional counselors, so as to further provide therefor.

Was taken up.

SUBSTITUTE OFFERED

Rep. Stout offered the following substitute to the bill, H. 421:

A BILL
TO BE ENTITLED

AN ACT

To amend Section 34-8A-7, Code of Alabama 1975, relating to qualifications for professional counselors, so as to further provide therefor, and to repeal Section 34-8A-23, Code of Alabama 1975, which relates to same.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 34-8A-7, Code of Alabama 1975, is hereby amended to read as follows:

"§ 34-8A-7.

"The board shall issue a license as a licensed professional counselor to each applicant who files an application upon a form and in such a manner as the board prescribes, accompanied by such fee as is required in this chapter, and who furnishes satisfactory evidence of the following to the board:

"(1) The applicant is at least 19 years of age;

"(2) The applicant is a citizen of the United States or had declared his intention to become a citizen. A statement by the applicant under oath that he is a citizen or that he intends to apply for citizenship when he becomes eligible to make such application, is sufficient proof of compliance with this requirement.

"(3) The applicant is of good moral character;

"(4) The applicant resides in the State of Alabama;

"(5) The applicant is not in violation of any of the provisions of this chapter and the rules and regulations adopted hereunder;

"(6) The applicant has received a master's degree from a regionally accredited institution of higher learning which is primarily professional counseling in content based on not less than 30 graduate semester hours, or the substantial equivalent in both subject matter and extent of training. The board shall use the standards of nationally recognized professional counseling associations as guides in establishing the standards for counselor licensure.

"(7) The applicant has three years of supervised full-time experience in professional counseling acceptable to the board, one year of which may be obtained prior to the granting of the master's degree. An applicant may subtract one year of the required professional experience for every 15 graduate semester hours obtained beyond the master's degree, provided that such hours are clearly related to the field of professional counseling and are acceptable to the board. However, in no case may the applicant have less than one year of the required professional experience.

"(8) The applicant demonstrates competence in professional counseling by passing an examination, written, oral or situational, or all three, as the board will prescribe. A specialty designation may be added upon demonstration to the board that the applicant has met the recognized minimum standards as established by nationally recognized certification agencies. Upon successful passage of an examination, written, oral or situational, or all three, and upon receipt of credentials from certifying agencies the board may, by a majority of the board members present and voting, consider such credentials adequate evidence of professional competence and recommend to the chairman of the board that a license with appropriate specialty designation, if any, be approved. A professional counselor cannot claim or advertise a counseling specialty unless the qualifications of that specialty have

been met and have been approved by the board.

"(9) For a period of one year from the effective date of this Act, the board shall waive the requirements of subdivisions (6), (7) and (8) of section 34-8A-7, and shall grant the appropriate license upon payment of the required fee to any person submitting an application for licensure to the board who is qualified by experience to practice counseling and who has engaged in such private practice of counseling as of the effective date of this Act, or to any person who has a master's degree and has met the requirements of subsections (1), (2), (3), (4), (5), (6), and (8) of this section."

Section 2. The board has an affirmative duty to notify all interested persons of the provisions of this amendatory act through publication in a newspaper with general circulation in each county of this state.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 77; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Blake, Blakeney, Bowling, Box, Brakefield, Brooks, Browder, Buskey, Butler, Carothers, Carter, Casey, Clark, Clikas, Coleman, Cosby, Crow, Drinkard, Dutton, Faulk, Ford, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Johnson (AL), Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Lauderdale, Layton, McKee, McMillan, Mathis, Minus, Mitchell, Murphy, Newman, Nicholson, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Smith, Starkey, Starr, Stout, Trammell, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

—77

PERMISSION GRANTED

Permission was granted for the Journal to show Rep. Parker removed as co-sponsor to the bill, H. 421.

And the bill:

H. 421. To amend Section 34-8A-7, Code of Alabama 1975, relating to qualifications for professional counselors, so as to further provide therefor, and to repeal Section 34-8A-23, Code of Alabama 1975, which relates to same.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 83; Nays 2.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Blake, Blakeney, Bowling, Box, Brakefield, Brooks, Browder, Buskey, Butler, Carothers, Carter, Casey, Clark, Clikas, Coleman, Crow, Davis, Drinkard, Dutton, Faulk, Ford, Gaston, Goodwin, Grimsley, Grouby, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Johnson (AL), Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Langford, Lauderdale, Layton, Lewis, McKee,

McMillan, Mathis, Mitchell, Moore, Murphy, Newman, Nicholson, Payne, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Seibels, Smith, Starkey, Starr, Stout, Thornton, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

—83

Nays: Reps.: Hall and Parker. —2

CO-SPONSORS ADDED

Reps. Rice, Rogers, Reed, Rains, Turnham and Davis were added as co-sponsors to the bill, H. 421.

And the bill:

H. 215. Relating to the state merit system; amending Section 36-26-5, Code of Alabama 1975, relating to the composition of the state personnel board, so as to provide further for its composition, and amending Section 36-26-27. Code of Alabama 1975, relating to the suspension and dismissal of classified employees, so as to provide further for such procedures.

Was taken up.

SUBSTITUTE OFFERED

Rep. Owens offered the following substitute to the bill, H. 215:

A BILL
TO BE ENTITLED
AN ACT

Relating to the state merit system; amending Section 36-26-5, Code of Alabama 1975, relating to the composition of the state personnel board, so as to provide further for its composition, and amending Section 36-26-27, Code of Alabama 1975, which provides for the disciplining and dismissals of employees in the state classified service so as to provide further for such procedures.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 36-26-5 and 36-26-27, Code of Alabama 1975, are hereby amended to read as follows:

"Section 36-26-5. (a) The state personnel board shall consist of three-five persons as follows: two persons appointed by the governor, ~~with the consent of the senate, to serve one for two years, one for four years and one for six years from March 2, 1939, or until their successors are appointed and have qualified.~~ one person appointed by the lieutenant governor, one person appointed by the speaker of the house of representatives and one person who shall be a classified employee elected as provided in subsection (b). The present governor's appointees shall continue to serve for their respective terms of office and the elected member from the classified service shall take his seat at the first expiration of office of any current member. The terms of each member shall be for six years. ~~The successors of the original appointees shall be appointed for terms of six years each.~~ Each member shall be required to take the constitutional oath of office before entering upon his duties. The Board shall designate one of its members as chairman. ~~Two~~ Three members of the board shall constitute a quorum for the transaction of business. Any vacancy in the membership of the board shall be filled by

the governor original appointing authority, except the elected member seat, for the unexpired term. Each member shall be a person over 19 years of age, of recognized character and ability, shall have been a bona fide resident and a qualified voter of this state for not less than five years and shall not, when appointed nor for three years then last past before the date of his appointment have held elective public or party office nor have been a candidate for such office. All appointed members shall be with the consent of the senate. No two members of said personnel board shall be appointed from any one congressional district of the state. A member of the board may be removed from office for the same causes and by the same procedure as provided by the Constitution and statutes of Alabama for the impeachment of sheriffs. Each member of the board shall receive a per diem of ~~$25.00~~ $50.00 and expenses for attendance upon meetings of the board. No member shall receive total compensation in excess of ~~$600.00~~ $1,200.00 per annum, excluding compensation received for attendance upon trials of charges preferred against employees as provided in this article.

"(b) One member shall be elected by a majority vote of the full-time state employees. For his original term, he shall serve a six-year term. Two months prior to the expiration of the seat for the member of the classified service, employees desiring to serve shall file with the state comptroller notice of their intent to run for the position. The comptroller shall cause to be prepared ballots for distribution to all state employees with their paychecks during the first pay period, one month prior to the election. Each state payroll clerk within one week shall collect the executed ballots and return them to the comptroller who shall forthwith tabulate the ballots and announce the results. A printout of the tabulation along with the ballots shall within three days be delivered by the comptroller to the secretary of state, who shall preserve the ballots and the printout for three months. At the expiration of terms of office of the original member elected under this subsection, and every six years thereafter, his successor shall be elected in the same manner as provided by this subsection. If a vacancy occurs in the office of a member elected under the provisions of this subsection, the vacancy shall be filled for the unexpired term in the same manner as the office was previously filled."

"Section 36-26-27. (a) An appointing authority may dismiss a classified employee whenever he considers the good of the service will be served thereby, for reasons which shall be stated in writing, served on the affected employee and a copy furnished to the director, which action shall become a public record. The dismissed employee may, within 10 days after notice, appeal from the action of the appointing authority by filing with the board and the appointing authority a written answer to the charges. The board shall if demand is made in writing by the dismissed employee with 10 days after notice of discharge, order a public hearing and, if the charges are proved unwarranted, order the reinstatement of the employee under such conditions as the board may determine. Upon a majority vote of the board, the board may impose a punishment other than termination including but not limited to a reinstatement with forfeiture of back wages and benefits between the date of termination and the date of the board's order reinstating the employee, or a suspension up to and including 30 days.

"(b) In addition to removal by an appointing authority, persons in the classified service may be removed or disciplined in the manner described in this subsection. Charges may be filed by any officer, citizen or taxpayer of the state with the director who shall, within five days, cause a copy to be served upon the person complained against and shall set a day not less than 10 nor more than 20 days after such charges have been served on such em-

ployee for a public hearing of such charges. This hearing may be before the director, a special agent appointed for the purpose by the director or the board itself. If before the director or a special agent, the director or special agent shall take testimony offered in support and denial of such charges from the same submit to the board, within five days, a finding of facts and law involved and recommended decision. The Board at its next regular or special meeting shall consider said report and modify, alter, set aside or affirm said report and certify its findings to the appointing authority who shall forthwith put the same into effect. If the board hears said charges directly or requires the transcribing and submission of the testimony taken before the director or special agent, it shall make up and file its own findings and decision. The decision of the board based upon its records and the testimony shall be final.

"(c) In proceedings under this section it shall be no defense or excuse for a forbidden act or for an omission to observe the laws or rules that such act or omission was directed by a superior, unless a written direction or order from such superior to that effect is proved. If any employee in the state service shall willfully refuse or fail to appear before any court or judge, any legislative committee or any officer, board or body authorized to conduct any hearing or inquiry or, having appeared, shall refuse to testify or answer any question relating to the affairs or government of the state or the conduct of any state officer or employee on the ground that his testimony or answers would tend to incriminate him or shall refuse to waive immunity from prosecution on account of any matter about which he may be asked to testify at any such hearing or inquiry, such conduct shall be cause for removal."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 88; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Blake, Blakeney, Bowling, Box, Brakefield, Brooks, Browder, Buskey, Butler, Carothers, Carter, Casey, Clark, Clikas, Coleman, Cosby, Crow, Davis, Drinkard, Dutton, Faulk, Flowers, Ford, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Holley, Horn, Howard, Johnson (AL), Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Starkey, Starr, Stout, Trammell, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson and Wright.

—88

S. 93 SUBSTITUTED FOR H. 215

On motion of Rep. Owens, the bill, S. 93, was substituted for the bill, H. 215 as amended.

And the bill:

S. 93. Relating to the state merit system; amending Section 36-26-5,

Code of Alabama 1975, relating to the composition of the state personnel board, so as to provide further for its composition, and amending Section 36-26-27, Code of Alabama 1975, which provides for the disciplining and dismissals of employees in the state classified service so as to provide further for such procedures.

Was read a third time at length and passed.

Yeas 89; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Bowling, Box, Brakefield, Brooks, Browder, Buskey, Butler, Carothers, Carter, Casey, Clark, Clikas, Coleman, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Gaston, Goodwin, Grimsley, Grouby, Hammett, Harper, Holley, Holmes, Horn, Howard, Johnson (AL), Johnson (RG), Johnson, (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Reed, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thornton, Trammell, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson and Wright.

—89

H. 215 INDEFINITELY POSTPONED

On motion of Rep. Owens, the bill, H. 215 as amended, was indefinitely postponed.

And the bill:

H. 758. To amend Sections 11-88-8 and 11-88-50 of Chapter 88 of Title 11 of the Code of Alabama 1975 to clarify and expand the content of the term "revenues" to make clear that the costs which may be assessed by those authorities having the power to assess include expenses of issuance of bonds, including fees, charges or premiums on policies of bond insurance or letters of credit obtained in connection with bonds issued by an authority under the said Chapter, to amend Section 11-88-79 relating to assessments so as to provide for interest on the unpaid balance at the rate of eight percent per annum on the unpaid balance of any assessment if no bonds have been issued to finance the improvements which are the subject of such assessment, or at a rate which is one percent per annum in excess of the net interest rate on such bonds (as herein determined) if such bonds have been issued to finance such costs, and to amend Section 11-88-12 to state the criteria that may be used in fixing sewer rates and charges.

Was taken up.

MOTION TO POSTPONE

Rep. Harper offered the motion to postpone the bill, H. 758, to the twenty-ninth legislative day.

MOTION TO TABLE LOST

The motion offered by Rep. Turner to table the motion to postpone offered by Rep. Harper, was lost.

Yeas 16; Nays 31.

Yeas:

Reps.: Blake, Bowling, Box, Browder, Casey, Crow, Holmes, Johnson (Roy), Junkins, Langford, Lauderdale, Minus, Poole, Smith, Turner and Zoghby.

—16

Nays:

Reps.: Adams, Butler, Carter, Clikas, Cosby, Freeman, Gaston, Harper, Holley, Johnson (RG), Laird, Lewis, McMillan, Murphy, Newman, Nicholson, Payne, Penry, Preuitt, Rains, Rice, Richardson, Rogers, Starr, Tucker, Venable, Warren, White (F), White (L), Wilson and Wright.

—31

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO POSTPONE ADOPTED

The question was then on the motion offered by Rep. Harper to postpone the bill, H. 758, to the twenty-ninth legislative day, and the motion was adopted.

Yeas 31; Nays 14.

Yeas:

Reps.: Adams, Butler, Clikas, Cosby, Dutton, Freeman, Gaston, Harper, Johnson (RG), Laird, Lauderdale, Layton, Lewis, McMillan, Murphy, Newman, Nicholson, Payne, Penry, Poole, Preuitt, Rains, Rice, Richardson, Starkey, Starr, Tucker, White (F), White (L), Wilson and Wright.

—31

Nays:

Reps. Box, Browder, Casey, Crow, Hall, Holmes, Johnson (Roy), Junkins, Kennedy, Melton, Minus, Smith, Turner and Zoghby.

—14

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Senators Dixon, Teague, Bedsole, Holmes, and Proctor:

S. J. R. 232. COMMENDING JOSEPHINE E. AYERS OF THE ALABAMA SHAKESPEARE FESTIVAL.

Also:

By Senator Robertson:

S. J. R. 234. COMMENDING WEST ALABAMA GENERAL HOSPITAL UPON ITS ACCREDITATION.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Johnson (Roy), the rules were suspended and the House concurred in and adopted the resolutions, S. J. R. 232 and S. J. R. 234, the titles of which are set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

Sens.: Foshee, Aldridge, Amari, Bachus, Bailey, Barron, Bedford, Bedsole, Bishop, Boyington, Cooley, Corbett, Covington, deGraffenried, Denton, Dixon, Figures, Goodwin, Harrison, Hilliard, Holmes, Keener, Kirkland, Little, Menton, Mitchell, Mitchem, Parsons, Pearson, Proctor, Robertson, Smith (B), Smith (J), and Teague:

S. J. R. 235. MEMORIALIZING THE PRESIDENT AND CONGRESS TO DO ALL WITHIN THEIR POWER TO RAISE THE RIDICULOUSLY LOW PRICES BEING PAID AMERICAN FARMERS.

WHEREAS, the prices for farm products now being paid are in many cases below the cost of production to the average farmer; and

WHEREAS, this low farm price situation has continued unrelieved for several years in a row; and

WHEREAS, the American farmer has constituted the backbone of this Country for many generations past, and the family farm has produced and nurtured what is best in America; and

WHEREAS, many family farms that have been in the same family for many generations are being lost because of the ridiculously low farm prices; and

WHEREAS, it appears that the President and Congress are not really interested in the problems and plight of farmers; and

WHEREAS, it appears that low farm prices are being used as a monetary tool to cover the American world trade deficit; and

WHEREAS, this trend must be stopped before so many farmers are driven out of production that food prices will eventually soar to the detriment of the American consumer and the world at large; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do call upon the President and the Congress of these United States to take whatever steps are necessary to assure an increase in the prices being paid to farmers.

BE IT FURTHER RESOLVED, That acreage allotments and higher

price supports on farm products be re-instituted and that this action be taken post haste in order to prevent the wholesale bankruptcy of the American family farmer.

BE IT FURTHER RESOLVED, That the Secretary of the Senate send copies of this resolution to the President and to the Congress in Washington, D. C.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Johnson (Roy), the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 235, set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Senator Cabaniss:

S. J. R. 218. CONGRATULATING SOUTH HIGHLANDS HOSPITAL UPON ACCREDITATION.

Also:

By Senator Cabaniss:

S. J. R. 219. CONGRATULATING THE EYE FOUNDATION HOSPITAL UPON ACCREDITATION.

Also:

By Senator Aldridge:

S. J. R. 220. CONGRATULATING LAWRENCE COUNTY HOSPITAL UPON ACCREDITATION.

Also:

By Senators Hilliard and Parson:

S. J. R. 222. CONGRATULATING THE COMMUNITY HOSPITAL OF BIRMINGHAM UPON ACCREDITATION.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Johnson (Roy), the rules were suspended and the House concurred in and adopted the resolutions, S. J. R. 218, S. J. R. 219, S. J. R. 220 and S. J. R. 222, the titles of which are set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Smith (B):

S. J. R. 223. RELATING TO MEMBERS OF THE SOUTHERN STATES ENERGY BOARD AND THE SOUTHERN GROWTH POLICIES BOARD.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That any member of the legislature serving as a member of the Southern States Energy Board or the Southern Growth Policies Board who is not a member of the Legislative Council shall be entitled to the same compensation, expenses, and transportation allowances for attendance at meetings of such Boards as members of the Legislative Council. All such compensation and expenses authorized by the provisions of this resolution shall be paid from funds appropriated to the use of the Legislature.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Johnson (Roy), the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 223, set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Senator Keener:

S. 71. To express the public policy of the state of Alabama relative to the payment of prevailing minimum wages in the particular area on all projects of the state or its agencies to require that the prevailing wages be ascertained in advance of such projects and that all bidders therein be bound by these determinations and all contractors be required to comply therewith; to define what is included in the term "wages" and to set forth the method of making said determinations; to further define the duties of the commissioner of labor; to provide for a board of appeals of the department of labor; and to authorize local governing bodies to make similar requirements in their contracts for public works.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 71. Business and Labor.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Senators Dixon and Harrison:

S. 102. To further provide for payroll deductions for state employees.

Also:

By Senator Denton:

S. 239. To provide further for the expenses of the president and associate commissioners of the Alabama Public Service Commission.

Also:

By Senator Foshee:

S. 46. To change the name of the Civil Defense Department to the State of Alabama Emergency Management Agency.

Also:

By Senator Parsons:

S. 278. To provide that with the continued operation of Birmingham School of Law, Jones Law Institute and Miles College offering a four-year program of 30 weeks each of similar courses, in residence study with attorneys and judges should be allowed upon graduation and certification to take the Bar Exam with all other graduates and to be licensed upon passage.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 102. State Administration.

S. 239. Ways and Means.

S. 46. State Administration.

S. 278. Constitution and Elections.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Senator Keener:

S. 130. To amend Sections 5-17-2, 5-17-3, 5-17-10, 5-17-11, 5-17-12, 5-17-15, 5-17-16, and 5-17-22, Code of Alabama 1975, which provide for credit unions, so as to further provide for their organization and incorporation, for credit unions organized in other states, for the duties of boards of directors and officers, for the powers and duties of credit committees, for deposits made in the names of two or more persons, for the disposition of shares of deceased persons, and to provide for conversions of federal and state credit unions.

Also:

By Senator Proctor:

S. 183. To amend Sections 24-1-21 and 24-1-22 of the Code of Alabama 1975, to declare that persons of low and moderate income are forced to occupy overcrowded and congested dwelling accommodations, to define housing project to include property, buildings and improvements acquired or constructed to provide dwelling accommodations at rentals within the means of persons of low or moderate income and to define persons of moderate income.

Also:

By Senator Proctor:

S. 297. To amend sections 22-50-1 thru 22-50-6, 22-50-8 thru 22-50-17, 22-50-19, 22-50-20 and 22-50-23 of the code of Alabama 1975, relating to the department of mental health so as to redesignate the department of mental health as the department of mental health and mental retardation; to designate the method of appointing members of the mental health and mental retardation board and to provide that such board shall be advisory, to specifically repeal Section 22-50-7, and to establish the department as a state agency responsible to the governor of Alabama.

Also:

By Senators Bailey, Menton, and Covington:

S. 114. To provide for the registration of certain persons skilled in the repair, servicing or installing commercial weighing and measuring devices, thereby allowing the removal of condemned tags placed on said devices for the purpose of repair, by said registered service persons or scale mechanics; to authorize the promulgation of rules and regulations by the Commissioner of Agriculture and Industries, with the approval of the State Board of Agriculture and Industries; to provide for yearly registration and renewal upon the payment of $25.00; to provide for procedures to be followed for revocation, suspension or refusing to renew the registration or refusing to initially register; to provide for hearing before the Commissioner of Agriculture and Industries and appeals before the State Board of Agriculture and Industries.

Also:

By Senator Little:

S. 444. To amend Section 37-1-88 of the Code of Alabama 1975, relating to the right of a party to be heard in public service commission hearings, proceedings and investigations, so as to provide further for a party to be heard through a duly authorized person other than an attorney-at-law in such commission meetings.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 130. Banking.

S. 183. Health.

S. 297. Ways and Means.

S. 114. Agriculture and Forestry.

S. 444. State Administration.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Senators Menton, Bailey and Covington:

S. 113. To amend Section 13A-9-41, defining and prohibiting deceptive business practices, Section 13A-9-42, prohibiting false advertising, and Section 13A-9-43, prohibiting bait advertising, so that the Commissioner of Agriculture and Industries, with the approval of the State Board of Agriculture and Industries, is empowered to promulgate reasonable rules and regulations which conform to the provisions of the Alabama Administrative Procedures Act, for the better enforcement of the above Sections. Violations of these rules and regulations shall be considered a violation of the concerned Sections.

Also:

By Senator Mitchell:

S. 224. To amend Section 8-21-5, Code of Alabama 1975, relating to franchise agreements between retailers engaged in the business of selling farm implements, and certain other farm equipment or parts, and wholesalers, manufacturers or distributors therefor, so as to provide further for the items exempt from the repurchase requirements.

Also:

By Senator Bailey:

S. 233. To provide that teachers and principals in each school shall develop a plan for the expenditure of instructional materials and supply funds and to provide that such funds shall be allocated to the individual schools in each county and city by the board of education.

Also:

By Senator Mitchell:

S. 106. To amend Sections 41-16-50 and 41-16-51, Code of Alabama 1975, relating to the expenditure of public funds for leases and relating to the expenditure of funds by utility systems for supplies or materials; to establish an effective date.

Also:

By Senators Smith (B) and Barron:

S. 431. To provide that each municipality in the State of Alabama shall have the authority to enter into binding option agreements with respect to any land held by it as the site of an industrial park, subject to certain conditions and limitations.

Also:

By Senator Hilliard:

S. 483. To provide that certain prior service as a municipal court judge may be counted toward retirement as a circuit judge.

Also:

By Senators Boyington, Menton, Bedsole, Robertson, Aldridge, Dixon, Bachus, Figures, Parsons, and Foshee:

S. 333. To prohibit the use of red clay on certain beaches of the state.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 113. Agriculture and Forestry.

S. 224. Agriculture and Forestry.

S. 233. Ways and Means.

S. 106. State Administration.

S. 431. Local Government.

S. 483. Ways and Means.

S. 333. Natural Resources.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Senator Smith (J):

S. 450. To amend Section 40-7-21, Code of Alabama 1975, which relates to the time for making property assessments, so as specifically to authorize the county tax assessors to accept applications for homestead exemptions between January 1 and September 30 of each taxable year, with the assessment and homestead exemption to become effective on the following October 1.

Also:

By Senators Proctor, Holmes, Teague, Foshee, Amari, and Robertson:

S. 96. Relating to the Alabama law governing the practice of professional and practical nursing and creating the Alabama Board of Nursing; to amend §34-21-1 to more clearly define professional and practical nursing; to amend Section 34-21-2 to add one additional licensed practical nurse to the board, to provide for the manner and time of appointment and alter the responsibilities of LPN members, to provide further for representation in nominations for professional nurse members of the board, to provide all board members with immunity from civil liability, to amend the powers and duties of the board relative to nursing educational programs, to allow the board to investigate allegations of misconduct, to make disciplinary actions matters of public record, to provide for development of nursing standards

and continued competency, to allow membership in national nursing organizations and to increase per diem for board members from $30 to $50; to amend Section 34-21-6 to provide an exemption for nurses transporting patients through the state or providing educational or consultative services for less than 30 days, to make it unlawful to conceal violations of the Act, and to make violations of the Act a Class A misdemeanor; to amend Section 34-21-22 so as to delete the equivalency clause; to amend Section 34-21-24 to further provide for continued competency; to amend Section 34-21-24 to provide further for the fees under this chapter; to amend Section 34-21-25, so as to further provide for violations, clarify penalties, to allow for investigations and actions in the name of the board, to require parties requesting witnesses to be subpoenaed to pay witness fees and mileage, to simplify the use of depositions, to clarify the necessity for reinstatement, to further provide for appeals of decisions of the board, and to provide civil immunity for persons providing information in disciplinary cases.

Also:

By Senator Smith (J):

S. 90. To amend Section 4 of Act No. 83-75 adopted at the First Special Session of 1983 of the Legislature of Alabama to provide for the refunding thereunder of any warrants issued by a county for the purpose of erecting necessary public buildings, bridges and roads.

Also:

By Senator Barron:

S. 238. To exempt certain vehicles used for the purpose of transporting sawdust for use in poultry farming operations from the truck weight restrictions imposed by Section 32-9-20 of the Code of Alabama 1975.

Also:

By Senator Denton:

S. 419. Relating to exemptions from the payment of state, county and municipal ad valorem taxes, so as to exempt the Presbyterian Apartments of Birmingham, Inc., the Presbyterian Homes of Decatur, Inc., the Presbyterian Apartments in Northport, Alabama, and the Shoals Presbyterian Apartments, Inc., and the East Alabama Services for the Elderly, Inc., a nonprofit corporation in Lee County, Alabama, or any predecessor organization or entirety from the payment of all such state, county and municipal taxes.

Also:

By Senators Parson, Goodwin, Cooley, Teague, Proctor, Bishop, deGraffenried, Holmes, Little, Barron, Menton, Hilliard, Bedford, and Corbett:

S. 210. To amend Section 17-16-6, Code of Alabama 1975, which relates to the time and place for holding primary elections, except special primary elections and presidential preference primaries, so as to provide that primary elections shall be held on the first Tuesday in June, and a runoff election, if necessary, shall be held the fourth Tuesday thereafter, effective June 5, 1984, and thereafter.

Also:

By Senator Mitchell:

S. 279. To improve election administration and to reduce the cost of elections; to reduce requirements for election forms and supplies; to simplify balloting procedures; to clarify the uses of the list of qualified electors and the poll list; to simplify the distribution of forms and records from the poling place; to reduce the chances of fraud or error by providing an audit trial for use in contests and the correction of registration records; to amend Sections 17-4-127, 17-4-130, 17-7-14, 17-7-15, 17-8-25, 17-8-29, 17-8-34, 17-8-35, 17-9-25, 17-9-33, 17-9-34, 17-12-4, 17-12-5, 17-13-3, 17-13-4, 17-15-4, 17-16-19, 17-16-32 and 17-16-36, Code of Alabama 1975; to repeal Sections 17-8-39, 17-13-5, 17-13-6, 17-13-10, 17-13-11, 17-14-23, 17-16-25 and 17-16-33 Code of Alabama 1975: and to provide for an effective date.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, 450, the title of which is set out in the above and foregoing Message from the Senate, was read a first time at length as required by the Constitution, and referred to the Standing Committee on Ways & Means.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 96. Health.

S. 90. Local Government.

S. 238. Highway Safety.

S. 419. Ways and Means.

S. 210. Rules.

S. 279. Constitution and Elections.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Senators Dixon and Teague:

S. 299. To amend Section 16-8-26, Code of Alabama 1975, which provides for personal leave for teachers, so as to provide further for said leave, and to provide for early retirement for unused accused sick leave.

Also:

By Senator Mitchem:

S. 388. To provide further for venue with respect to filing petitions to

modify divorce decrees relating to child custody and visitation rights.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severaly read one time and referred to appropriate Standing Committees as follows:

S. 299. Ways and Means.

S. 388. Judiciary.

H. 691 TEMPORARILY POSTPONED

On motion of Rep. Dutton, the bill, H. 691, was temporarily postponed.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Johnson (Roy), the rules were suspended in order to take up out of order the bill, H. 633.

And the bill:

H. 633. (With Amendment): To prescribe procedures for a state income tax check-off system for support of political parties.

Was taken up.

MOTION TO INDEFINITELY POSTPONE

Rep. Brooks offered the motion to indefinitely postpone consideration of the bill, H. 633.

SUBSTITUTE MOTION ADOPTED

The substitute motion offered by Rep. Casey to temporarily postpone consideration of the bill, H. 633, was adopted.

And the bill:

H. 373. (With Substitute) (With Amendment): To amend Sections 40-9-19 and 40-9-21, Code of Alabama 1975, which provides for ad valorem tax exemptions, so as to provide further for the homestead provision for persons 65 years old or older.

Was taken up.

Rep. Drinkard offered the following substitute to the bill, H. 373, and to the pending substitute and amendment reported by the Standing Committee on Ways and Means:

A BILL
TO BE ENTITLED
AN ACT

To amend Sections 40-9-19 and 40-9-21, Code of Alabama 1975, which provides for ad valorem tax exemptions, so as to provide further for the homestead provision for persons 65 years old or older.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 40-9-19 and 40-9-21, Code of Alabama 1975, are hereby amended to read as follows:

"§ 40-9-19. (a) Homesteads, as defined by the Constitution and laws of Alabama, are hereby exempted from all state ad valorem taxes. In no case shall the exemption herein made apply to more than one person, head of the family, nor shall the said exemption exceed $4,000.00 in assessed value, nor 160 acres in area for any resident of this state who is not over 65 years of age. ~~The homesteads of residents of this state, over 65 years of age, or who are retired due to permanent and total disability, regardless of age, or who are blind as defined in section 1-1-3, regardless of age or whether such person is retired, shall be exempt from all state ad valorem taxes.~~

~~"The state commissioner of revenue is hereby empowered to define and specify the condition or state of health that makes a person 'permanently and totally disabled' and may issue certificates of disability to such person as he may find meets such specifications. Any person who is drawing any pension or annuity from the armed services or a company or governmental agency as being permanently and totally disabled shall automatically be granted a certificate of permanent and total disability by the state commissioner of revenue.~~

"(b) For tax years beginning on and after October 1, ~~1981~~, 1983, for residents of this state ~~not over 65 years of~~ age, homesteads, as defined by the Constitution and laws of Alabama, are hereby exempted from all county ad valorem property taxes levied, except ad valorem taxes levied for school districts, by any county of this state. In no case shall such exemption herein made apply to more than one person, head of the family, nor shall the said exemption exceed $2,000.00 in assessed value, nor 160 acres in area for any resident of this state who is not over 65 years of age except as provided in subsection (c) of this section.

"(c) For tax years beginning on and after October 1, 1981, the governing body of any county, municipality or other local taxing authority may at any time grant by resolution or ordinance an exemption from any levy of ad valorem property taxes levied by such county, municipality or other local taxing authority on homesteads, as defined by the Constitution and laws of Alabama, of residents of this state not over 65 years of age. In no case shall such exemption herein allowed apply to more than one person, head of the family, nor shall said exemption, when added to any other homestead exemption applicable to the same ad valorem tax levy, exceed $4,000.00 in assessed value, nor 160 acres in area. Any homestead exemption granted pursuant to this subsection (c) may be adjusted, rescinded or reinstated at any time by resolution or ordinance of the governing body of the county, municipality or other local taxing authority granting such exemption. Any action authorized by this subsection to be taken by a taxing authority, or the governing body thereof, shall, other than in the case of a municipality, be taken by resolution of the governing body of the county in which such taxing authority is located acting on behalf of such taxing authority; provided however, any action authorized by this subsection to be taken by a taxing authority, or the governing body thereof, which action shall affect county wide or district ad valorem taxes levied solely for the support of county or city school districts, shall be taken by resolutions of the governing bodies and boards of the school systems that are recipients of the proceeds of the ad valorem tax so affected by such action. The provisions of this subsection (c) shall in no way annul or reduce exemptions provided under subsections (a)~~,~~ and (b) ~~and (d)~~ of this section or those provided under 40-9-21, Code of Alabama, 1975.

~~"(d) For tax years beginning on and after October 1, 1981, for residents of this state, over 65 years of age who have an annual adjusted gross~~

~~income of less than $12,000.00 as reflected on the most recent state income tax return or some other appropriate evidence, or who are retired due to permanent and total disability, regardless of age, or who are blind as defined in section 1-1-3, regardless of age or whether such person is retired, homesteads, as defined in the Constitution and laws of Alabama, are hereby exempted from all ad valorem property taxes levied by any county of this state, including such taxes levied for school districts. In no case shall such exemption exceed $5,000.00 in assessed value, nor 160 acres in area. With respect to homesteads situated in more than one county, the exemption granted herein shall be prorated between the counties in which the homestead is situated in the proportion that the area of the homestead in each county bears to the total area of the homestead claimed for exemption.~~

~~"The department of revenue may by regulation define and specify the condition or state of health that makes a person 'permanently and totally disabled' and may issue certificates of disability to any person that meets such specifications. Any person who is drawing any pension or annuity from the armed services, a private company or any governmental agency because he is permanently and totally disabled shall automatically be granted a certificate of permanent and total disability by the department of revenue.~~

"~~(e)~~ (d) The grant of any homestead exemption provided under the provisions of this section shall not be allowed if such grant shall prevent the payment of any bonded indebtedness secured by any tax to which the homestead exemption would apply.

"§ 40-9-21. In addition to the persons and property exempt from ad valorem taxation as prescribed in section 40-9-1, the following shall also be exempt from ad valorem taxation: the principal residence and 160 acres adjacent thereto of any person who is totally disabled or who is 65 years of age or over, however, such exemption shall not exceed $6,000 in assessed value. ~~having a net annual taxable income of $7,500.00 or less, as shown on such person's and spouse's latest United States income tax return. In the event that such person and spouse are not required to file a United States income tax return, then an affidavit indicating that the net taxable income of such person and spouse for the preceding taxable year was $7,500.00 or less shall be sufficient proof.~~ Proof of age shall be furnished when the exemption provided herein is claimed. Proof of total disability may be, but shall not be limited to, the written certification of such total disability by any two physicians licensed to practice in this state. In order to qualify for exemption under this section, such principal residence must be a single-family residence owned and occupied by a person qualifying under this section. Exemptions must be claimed annually and the assessor may allow return to be filed by mail.

"The state commissioner of revenue is hereby empowered to define and specify the condition or state of health that makes a person 'permanently and totally disabled' and may issue certificates of disability to such person as he may find meets such specifications. Any person who is drawing any pension or annuity from the armed services or a company or a governmental agency as being permanently and totally disabled shall automatically be granted a certificate of permanent and total disability by the state commissioner of revenue."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 92; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Bowling, Box, Brakefield, Brooks, Browder, Buskey, Butler, Carothers, Carter, Casey, Clark, Clikas, Coleman, Cosby, Crow, Davis, Drinkard, Dutton, Escott, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Hettinger, Holley, Holmes, Horn, Howard, Johnson (AL), Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Turner, Turnham, Venable, Warren, White (F), White (L), Wilson, Wright and Zoghby.

—92

AMENDMENT OFFERED

Rep. Drinkard offered the following amendment to the bill, H. 373 as amended:

Amend House Bill 373 as substituted on page 2 line 19 after the word "districts" by inserting the following:

"including county-wide and district school taxes,"

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 92; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Blake, Blakeney, Bowling, Box, Brakefield, Browder, Bryant, Buskey, Butler, Carothers, Carter, Clark, Clikas, Coleman, Cosby, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Hettinger, Holley, Holmes, Horn, Howard, Johnson (AL), Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Martin, Mathis, Melton, Minus, Mitchell, Moore, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, White (F), White (L), Wilson, Wright and Zoghby.

—92

And the bill, H. 373, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 92; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Blake, Blakeney, Bowling,

Box, Brakefield, Browder, Bryant, Buskey, Butler, Carothers, Carter, Casey, Clark, Clikas, Coleman, Cosby, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Hettinger, Holley, Holmes, Horn, Howard, Johnson (AL), Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, White (F), White (L), Wilson, Wright and Zoghby.

—92

CO-SPONSORS ADDED

The following were added as co-sponsors to the bill, H. 373:

Mr. Speaker, Adams, Ashley, Bennett, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Browder, Bryant, Buskey, Butler, Carter, Casey, Clark, Clikas, Coleman, Cosby, Crow, Davis, Drinkard, Dutton, Escott, Ford, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Hettinger, Holley, Holmes, Horn, Howard, Johnson (AL), Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McMillan, Martin, Mathis, Melton, Minus, Mitchell, Murphy, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Starkey, Stout, Thornton, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, White (F), White (L), Wilson, Wright and Zoghby.

And the bill:

H.691. (With Amendment): To prohibit absentee ownership of large tracts of agricultural lands in this state by certain aliens and corporations with certain exceptions; to prescribe comprehensive procedures and restrictions relating to enforcement of such prohibition and to prescribe penalties for violations.

Which previously was temporarily postponed, was taken up.

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the within House Joint Resolutions hereinafter mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 5:20 P.M. on June 29, 1983.

H. J. R. 310

H. J. R. 312

H. J. R. 313

H. J. R. 314

H. J. R. 318

H. J. R. 319

H. J. R. 321

H. J. R. 324

H. J. R. 326

H. J. R. 327

JOHN W. PEMBERTON,
Clerk.

ADJOURNMENT

On motion of Rep. Murphy and pursuant to the resolution, H. R. 354, heretofore adopted, the House adjourned until 9:00 o'clock a.m., Thursday, June 30, 1983.

Yeas 51; Nays 40.

Yeas:

Reps.: Adams, Ashley, Biddle, Blake, Blakeney, Bowing, Brakefield, Buskey, Carothers, Clark, Davis, Escott, Faulk, Flowers, Freeman, Gaston, Goodwin, Grimsley, Hammett, Harper, Horn, Johnson (RG), Junkins, Kennedy, Kvalheim, Laird, Layton, Lewis, McKee, McMillan, Mathis, Melton, Moore, Murphy, Newman, Payne, Penry, Rice, Rogers, Sasser, Seibels, Starkey, Thomas, Trammell, Turner, Turnham, Venable, Waggoner, White (F), White (L), and Wright.

—51

Nays:

Mr. Speaker, Albright, Bennett, Box, Brooks, Browder, Butler, Campbell, Casey, Clikas, Coleman, Cosby, Crow, Drinkard, Dutton, Ford, Grouby, Hall, Hettinger, Holley, Johnson (AL), Johnson (Roy), Langford, Lauderdale, Manley, Martin, Minus, Nicholson, Parker, Poole, Rains, Richardson, Smith, Stout, Thornton, Tucker, Warren, Williams, Wilson and Zoghby.

—40

TWENTY-FOURTH DAY

House of Representatives
Montgomery, Alabama
Thursday, June 30, 1983

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Rev. Stanley Clark, First United Methodist Church, Jacksonville, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler,

Carothers, Carter, Casey, Clark, Clikas, Coleman, Cosby, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

—102

A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the twenty-third legislative day and finds the same to be correct.

JOHN CASEY,
Chairman.

On motion of Rep. Johnson (Roy), the rules were suspended and the reading at length of the Journal of the House for the twenty-third legislative day was dispensed with and the Standing Committee on Rules was concurred in and adopted, and the Journal for the twenty-third legislative day was approved.

LEAVE OF ABSENCE

At the request of Rep. Freeman, leave of absence was granted for Rep. Parker, who came in late.

At the request of Rep. Boles, leave of absence was granted for Rep. Seibels.

At the request of Rep. Crow, leave of absence was granted for Rep. Campbell.

At the request of Rep. Drake, leave of absence was granted for Rep. Coburn, due to illness in the family.

NOTICE IN WRITING

Rep. Bennett filed the following Notice in Writing:

Having voted on the prevailing side by which House Bill 380 was indefinitely postponed, I now move to reconsider the vote by which said bill was indefinitely postponed.

RESOLUTION

The following resolution was introduced:

By Rep. Johnson (Roy):

H. R. 365. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That when we adjourn today, Thursday, June 30, 1983, we adjourn to meet again on Tuesday, July 12, 1983, at 3:00 p.m.

RESOLUTION TEMPORARILY POSTPONED

On motion of Rep. Johnson (Roy), consideration of the resolution, H. R. 365, was temporarily postponed.

REPORT OF THE STANDING COMMITTEE ON RULES

Rep. Casey, Chairman of the Standing Committee on Rules, reported that said Committee in session had acted on the following resolution and ordered same returned to the House with a favorable report:

S. J. R. 233. LEGISLATIVE MEETING DAYS.

On motion of Rep. Casey, the resolution, S. J. R. 233, was adopted.

RESOLUTION

The following resolution was introduced:

By Rules Committee:

H. R. 366. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That the following business in the order named be made the special and paramount order of business June 30, 1983, taking precedence over any other business of the House.

Report of Standing Committees

Introduction of Bills and Resolutions

Uncontested Local Bills

Unfinished Business

Baseball

On motion of Rep. Casey, the resolution, H. R. 366, was adopted.

BILLS ON SECOND READING

Rep. Casey, Chairman of the Standing Committee on Rules, reported that said Committee in session had acted on the following bill and ordered same return to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 210. To amend Section 17-16-6, Code of Alabama 1975, which relates to the time and place for holding primary elections, except special primary elections and presidential preference primaries, so as to provide that primary elections shall be held on the first Tuesday in June, and a runoff election, if necessary, shall be held on the fourth Tuesday thereafter, effective June 5, 1984, and thereafter.

Rep. Albright, Chairman of the Standing Committee on Business and Labor, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 71. To express the public policy of the state of Alabama relative to the payment of prevailing minimum wages in the particular area on all projects of the state or its agencies to require that the prevailing wages be ascertained in advance of such projects and that all bidders therein be bound by these determinations and all contractors be required to comply therewith; to define what is included in the term "wages" and to set forth the method of making the said determinations; to further define the duties

of the commissioner of labor; to provide for a board of appeals of the department of labor; and to authorize local governing bodies to make similar requirements in their contracts for public works.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 841. Relating to Fayette County; providing a travel and subsistence expense allowance for the county superintendent of education; specifically repealing Act No. 442, H. 842, 1947 Regular Session (Local Acts 1947, p. 300); and providing that this act shall become effective July 1, 1983.

H. 845. To propose and provide for the submission of an amendment to the Constitution of Alabama authorizing Macon County under certain conditions to issue general obligation bonds in not exceeding $3,500,000. principal amount for the purpose of obtaining funds in such amount and contributing that amount to Tuskegee Institute to be used for the construction of "The Daniel 'Chappie' James Aerospace Memorial"; to provide that said bonds may be secured by a pledge of a sufficient amount of the ¼ of 1% ad valorem tax authorized by Section 215 of said constitution to be levied by said county; to provide that none of said bonds shall be chargeable against the constitutional debt limit of said county; and to specify certain details pertaining to said bonds and to the issuance and sale thereof.

The above bill was read a second time at length as required by the Constitution.

H. 847. To propose and provide for the submission of an amendment to the Constitution of Alabama authorizing the City of Tuskegee in Macon County to issue general obligation bonds in not exceeding $3,500,000 principal amount for the purpose of obtaining funds in such amount and contributing that amount to Tuskegee Institute to be used for the construction of "The Daniel 'Chappie' James Aerospace Memorial"; to provide that said bonds may be secured by a pledge of a sufficient amount of the 1¼% ad valorem tax authorized by Amendment 56 to said constitution to be levied by said City; to provide that none of said bonds shall be chargeable against the constitutional debt limit of said city, and to specify certain details pertaining to said bonds and to the issuance and sale thereof.

The above bill was read a second time at length as required by the Constitution.

H. 679. Relating to Shelby County; to prohibit any utility company, board, corporation or commission (exclusive of communications) which provides service in Shelby County from providing such services to any dwelling or structure until a certificate of approved sanitation has been issued by the Shelby County Health Officer or his authorized representative.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1 reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 803. (With Amendment): Relating to Hale County, providing for the establishment of a consolidated and unified system of assessment and collection of taxes under the supervision of an elective county official designated as county revenue commissioner; prescribing the powers, duties, term

of office and compensation of said county revenue commissioner, and providing for his election; abolishing the county offices of tax assessor and tax collector in Hale County; repealing conflicting laws; and prescribing the effective date of this act.

H. R. 365 AGAIN TAKEN UP

The resolution, H. R. 365, which previously was temporarily postponed, was again taken up.

On motion of Rep. Johnson (Roy), the rules were suspended and the resolution, H. R. 365, was adopted.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Rep. Casey:

H. 853. To prohibit public agencies from purchasing materials made by foreign governments for highway construction.

Highway Safety.

By Rep. Clikas:

H. 854. To amend Section 12-19-111 and repeal Sections 12-19-112 and 113 of the Code of Alabama 1975, as last amended, and thereby providing that citizens summoned to jury duty in the several Probate Courts shall be entitled to the same compensations as jurors serving in the Circuit Courts without exception.

Ways and Means.

By Rep. Horn:

H. 855. To provide for the payment of an expense allowance to members of the board of directors of any Waterworks or Sewer Board heretofore or hereafter organized pursuant to the statute now codified as Sections 11-50-230 to 241, Code of Alabama 1975.

Ways and Means.

By Rep. Waggoner:

H. 856. To provide further for the licensing and practice of psychologists.

Health.

By Reps. Poole and Mitchell (With Notice and Proof):

H. 857. To levy a finance charge or a tax of ten cents per acre to be assessed against lands located in Pickens County, Alabama, which are used for timber growing purposes, to provide protection against forest fires, insects, disease and other pests within Pickens County; to provide for a referendum on the question and prescribing the procedure for the collection of such assessments.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 857, AS REQUIRED IN THE GENERAL

ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Reps. Seibels, Escott, Davis and Rogers:

H. 858. (With Notice and Proof): Relating to counties having populations of not less than 600,000 inhabitants according to the last or any subsequent federal census; to authorize and provide for additional funds for the County Civil Defense Agency based on stated percentages of county non-school ad valorem tax collections pursuant to a budget approved by the county governing body; to provide a formula for determining the amounts to be paid from the general funds of the county and each municipality located therein for the maintenance and operation of the civil defense services in such county including, but not limited to, the employment of personnel, the operation of the 911 Emergency Reporting System and repair of buildings or improvements thereon, which are related to or required by the prescribed duties of the County Civil Defense Coordinator or Director; to permit the county to fund the County Civil Defense Agency without or with reduced municipal contributions; to repeal all conflicting statutes; to make provisions of the act severable; and to provide for the effective date hereof.

Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 858, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

RESOLUTION

The following resolution was introduced:

By Rep. Albright:

H. J. R. 367. CREATING AN INTERIM COMMITTEE TO STUDY THE UPDATING OF THE WORKMEN'S COMPENSATION ACT.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint interim committee to conduct hearings across the state for the purpose of studying the updating of the Workmen's Compensation Act. Such committee shall be composed of five members of the House of Representatives and five members of the Senate. The chairman shall be chosen by the members. The committee members shall receive the same regular legislative pay and per diem received when the legislature is in session and shall receive the same travel allowance as state employees. The committee is authorized to meet from time to time in different localities throughout the state in order to meet with members of the business and labor community so as to draft necessary changes in the Workmen's Compensation Act that will be agreeable to all. The House of Representatives and Senate shall provide clerical assistants for the committee. The committee shall report its findings, recommendations and suggested legislation on the third legislative day of the next regular session of the legislature of Alabama. The committee shall be funded from monies appropriated to the use of the legislature for such purposes, in an amount not to exceed $7,000.00.

MOTION TO SUSPEND RULES AND ADOPT

Rep. Albright offered the motion to suspend the rules and adopt the resolution, H. J. R. 367.

DIVISION OF THE QUESTION

Rep. McKee called for the Division of the Question and the call was sustained.

MOTION TO TEMPORARILY POSTPONE ADOPTED

Rep. Albright offered the motion to temporarily postpone further consideration of the resolution, H. J. R. 367, and the motion was adopted.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 441. Proposing an amendment to the Constitution of 1901 to authorize the State of Alabama, through the Alabama State Docks Department, to convey, without consideration, title to its real property, equipment and facilities in Lauderdale County, Alabama, and known as Alabama State Docks to the Florence-Lauderdale County Port Authority, a public corporation, but subject to existing leases and other contractual agreements now in effect and to authorize the State of Alabama, through the Alabama State Docks Department, to convey, with consideration, title to its real property, equipment and facilities in Morgan County, Alabama, and known as Alabama State Docks to the Decatur-Morgan County Port Authority, a public corporation, and in Walker County, Alabama, known as the State Docks in Cordova in Walker County to the Walker County Commission, but subject to existing leases and other contractual agreements now in effect.

And finds same correctly enrolled.

JOHN S. CASEY,
Chairman.

SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

RESOLUTION

The following resolution was introduced:

By Rep. Hettinger:

H. R. 368. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That House Rule 50 is hereby amended to read as follows:

Rule 50. When the chairman of a committee is absent, the vice-chairman, if any, if not the member whose name appears next on the committee, shall, during the absence of the chairman, become chairman, and have power to call together the committee for the consideration of bills. A major-

ity of the committee shall constitute a quorum for the transaction of business provided, however, that this limitation shall not apply to uncontested local bills being considered by one of the local legislative committees. Reasonable effort shall be made to notify all members when a meeting is called.

A majority of the members of a committee may call a meeting of the committee at any time by giving each member a minimum of two (2) legislative days' notice and by posting on the Committee Announcement Board in the House Chamber a notice of such meeting. Such notice shall give the date, place and time of the meeting, shall be signed by each of the members so calling the meeting and the total number so signing shall be at least a majority of the whole membership of the committee. Such notice shall be posted at least two (2) legislative days in advance of the time set for the meeting.

Further, a committee may not take action on a bill except when said committee is in session, and this provision may not be waived by a majority signing petitions or other procedural documents.

Provided further that, as to bills relating only to Madison or Montgomery County, a majority of the members of the House representing portions of the respective county to which a particular bill relates shall constitute a quorum of the Legislation No. 4 Committee.

On motion of Rep. Hettinger, the rules were suspended and the resolution, H. R. 368, was adopted.

NOTICE IN WRITING

Rep. Butler filed the following Notice in Writing:

Having voted on the prevailing side by which House Bill 264 passed, I now move to reconsider that vote.

RESOLUTIONS

The following resolutions were introduced and distributed according to Joint Rule 11:

By Reps. Gaston and Kvalheim:

H. R. 369. COMMENDING MR. BOBBY R. GWIN OF MOBILE, ALABAMA, FOR OUTSTANDING SERVICE TO PUBLIC EDUCATION IN ALABAMA.

Also:

By Reps. Gaston and Kvalheim:

H. R. 370. COMMENDING MR. DOYLE M. DILLARD, III, OF MOBILE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

H. J. R. 367 AGAIN TAKEN UP

The resolution, H. J. R. 367, which previously was temporarily postponed, was again taken up.

MOTION TO SUSPEND RULES AND ADOPT

Rep. Albright offered the motion to suspend the rules and adopt the resolution, H. J. R. 367.

DIVISION OF THE QUESTION

Rep. Adams called for the Division of the Question and the call was sustained.

MOTION TO SUSPEND RULES LOST

The question was then on the motion offered by Rep. Albright to suspend the rules in order to take up for immediate consideration, the resolution, H. J. R. 367, and the motion was lost, lacking a four-fifths vote.

Yeas 34; Nays 15.

Yeas:

Mr. Speaker, Albright, Ashley, Bennett, Blake, Boles, Brakefield, Bryant, Buskey, Clark, Coleman, Crow, Davis, Ford, Hall, Hettinger, Holley, Horn, Howard, Johnson (Roy), Junkins, Laird, Lauderdale, Melton, Moore, Newman, Nicholson, Rains, Reed, Rogers, Smith, Starr, Thornton and Turnham.

—34

Nays:

Reps.: Adams, Flowers, Gaston, Grimsley, Hammett, McKee, Penry, Preuitt, Rice, Sasser, Scott, Starkey, Venable, White (F) and Wright.

—15

The resolution, H. J. R. 367, was read and referred to the Standing Committee on Rules.

NOTICE IN WRITING

Rep. Ownes filed the following Notice in Writing:

Mr. Speaker:

Having voted with the prevailing side, I move that H.380 be returned to this body forthwith for further consideration.

NOTICE IN WRITING

Rep. Harper filed the following Notice in Writing:

Having voted on the prevailing side by which H B 758 was carried over to the 29th leg. day I move to reconsider that vote.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 248. To provide that all "mark up," on merchandise, authorized by the Alcoholic Beverage Control Board on or after the effective date of this Act, five percent (as that five percent bears to the total percentage mark up) of such mark up shall be designated to the credit of the General Fund of the State.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Casey, the House concurred in and adopted the Senate amendment to the bill, H. 248, said Senate amendment being as follows:

A BILL
TO BE ENTITLED
AN ACT

To provide that all additional "mark ups," on cost of merchandise, levied by the Alcoholic Beverage Control Board subsequent to the effective date of this Act the total amount of such levy shall be designated to the credit of the General Fund of the State.

Be It Enacted by the Legislature of Alabama:

Section 1. Definitions. The word "Board," wherever used in this Act, shall mean the Alabama Alcoholic Beverage Control Board provided for in Chapter 3, Title 28, Code of Alabama 1975. The term "mark up," wherever used in this Act shall mean the percentage amount added to cost plus freight on spirituous or vinous liquors sold by the "Board," exclusive of taxes heretofore levied with respect thereto.

Section 2. The additional "mark up" on cost of merchandise, levied by the Alcoholic Beverage Control Board subsequent to the effective date of this Act the total amount of such levy shall be designated to the credit of the General Fund of the State.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with the provisions of this Act are hereby expressly repealed.

Section 5. This Act shall become effective August 1, 1983.

Yeas 67; Nays 5.

Yeas:

Mr. Speaker, Adams, Bennett, Blake, Blakeney, Boles, Brakefield, Browder, Bryant, Butler, Carothers, Carter, Casey, Crow, Davis, Dutton, Escott, Faulk, Ford, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Holley, Holmes, Horn, Howard, Johnson (AL), Johnson (RG), Johnson (Roy), Junkins, Kvalheim, Laird, Langford, Lauderdale, Layton, Martin, Mathis, Melton, Minus, Moore, Murphy, Newman, Nicholson, Owens, Penry, Rice, Richardson, Rogers, Sasser, Scott, Smith, Starkey, Starr, Thornton, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L) and Williams.

—67

Nays:

Reps.: Box, Buskey, Hettinger, Rains and Wilson.

—5

And the bill:

H. 248. To provide that all additional "mark ups," on cost of merchandise, levied by the Alcoholic Beverage Control Board subsequent to the effective date of this Act the total amount of such levy shall be designated

to the credit of the General Fund of the State.

As thus amended, was again read at length and passed.

Yeas 77; Nays 3.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Blake, Blakeney, Boles, Brakefield, Brooks, Browder, Bryant, Butler, Carter, Casey, Clark, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Holley, Holmes, Horn, Howard, Johnson (AL), Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, McMillan, Melton, Minus, Mitchell, Moore, Murphy, Newman, Nicholson, Owens, Parker, Penry, Preuitt, Reed, Rice, Richardson, Rogers, Sasser, Scott, Smith, Starkey, Starr, Thomas, Thornton, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams and Zoghby.

—77

Nays: Reps.: Box, Rains and Wilson. —3

MOTION TO RECONSIDER TABLED

Having previously filed a Notice in Writing, Rep. Bennett offered the motion to reconsider the vote by which the bill, H. 380 as amended, was indefinitely postponed, and on motion of Rep. Owens, the motion to reconsider was tabled.

Yeas 48; Nays 41.

Yeas:

Reps.: Blake, Blakeney, Browder, Bryant, Butler, Clikas, Coleman, Dutton, Escott, Faulk, Flowers, Gaston, Grimsley, Grouby, Hall, Hammett, Harper, Johnson (RG), Junkins, Kvalheim, Laird, Layton, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Murphy, Newman, Owens, Payne, Penry, Preuitt, Rice, Richardson, Sasser, Starkey, Starr, Trammell, Turner, Turnham, Venable, Warren, White (F), White (L), Wilson and Zoghby.

—48

Nays:

Mr. Speaker, Adams, Albright, Bennett, Boles, Bowling, Box, Brakefield, Brooks, Buskey, Carter, Casey, Clark, Cosby, Crow, Ford, Freeman, Hettinger, Holley, Horn, Howard, Johnson (AL), Johnson (Roy), Kennedy, Lauderdale, Martin, Mathis, Melton, Moore, Nicholson, Parker, Rains, Reed, Rogers, Scott, Smith, Thomas, Thornton, Tucker, Waggoner and Williams.

—41

MOTION TABLED

On motion of Rep. Waggoner, the motion offered by Rep. Rogers to require the Standing Committee on Local Legislation No. 2 to report the bill, H. 553, out of committee, was tabled.

Yeas 27; Nays 21.

Yeas:

Reps.: Blakeney, Brooks, Casey, Clikas, Gaston, Grouby, Layton, McKee,

Mitchell, Moore, Murphy, Owens, Payne, Poole, Rains, Smith, Starr, Thornton, Trammell, Tucker, Turner, Turnham, Waggoner, Warren, White (F), Wilson and Wright.

Nays:

—27

Reps.: Bennett, Boles, Bowling, Box, Bryant, Carothers, Coleman, Cosby, Davis, Escott, Freeman, Hall, Hettinger, Holmes, Horn, Kvalheim, Mathis, Newman, Reed, Rogers and Scott.

—21

H. 424 TEMPORARILY POSTPONED

On motion of Rep. Box, the bill, H. 424, was temporarily postponed.

SPECIAL ORDER

The House then proceeded with the consideration of the uncontested local bills on the Special Order Calendar.

And the bill:

H. 725. (With Amendment): Relating to the City of Alexander City in Tallapoosa County; authorizing the City of Alexander City to establish, purchase, construct, maintain, lease and operate a television cable system and to furnish television cable and auxiliary service to the residents of the town and to customers of the said board and in surrounding territory; prescribing its powers in connection therewith; authorizing and regulating the issuance and security of bonds and other evidences of indebtedness by such board in connection with such systems; providing for the payment of such bonds and other evidences of indebtedness and the rights of the holders thereof; and exempting the utilities board transacting business pursuant to this act from the jurisdiction and control of the Alabama Public Service Commission.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 1, said committee amendment being as follows:

Amend House Bill 725, page 4, as follows:

Line 26, after the word "Section" by striking ~~9~~ and inserting 8

Line 28, after the word "Section" by striking ~~10~~ and inserting 9

And on line 32, after the word "Section" by striking ~~11~~ and inserting 10.

AMENDMENT TABLED

On motion of Rep. White (L), the amendment reported by the Standing Committee on Local Legislation No. 1 to the bill, H. 725, was tabled.

Yeas 26; Nays 0.

Yeas:

Reps.: Bennett, Blakeney, Boles, Bowling, Box, Brakefield, Carothers, Clark, Coleman, Cosby, Davis, Escott, Flowers, Grouby, Hall, Hettinger, Johnson (RG), Kennedy, Langford, Mitchell, Sasser, Starkey, Tucker, Turnham,

Waggoner and White (L).

—26

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 725, was read a third time at length and passed and ordered sent forthwith to the Senate without engrossment.

Yeas 17; Nays 3.

Yeas:

Reps.: Bennett, Boles, Bowling, Bryant, Carothers, Cosby, Faulk, Flowers, Johnson (RG), Kennedy, Minus, Newman, Nicholson, Penry, Reed, White (L) and Williams.

—17

Nays: Reps.: Payne, Rains, and Waggoner.

—3

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 733. Relating to Bullock County; to amend Section 2, Act No. 241, 1976 Regular Session of the Alabama Legislature pertaining to levying and collecting assessments on forestlands in Bullock County.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 39; Nays 0.

Yeas:

Mr. Speaker, Albright, Ashley, Bennett, Blake, Blakeney, Boles, Bowling, Brakefield, Brooks, Bryant, Clark, Clikas, Cosby, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Horn, Johnson (Roy), Martin, Melton, Mitchell, Newman, Owens, Penry, Reed, Sasser, Scott, Smith, Starkey, Tucker, Venable, White (F), White (L) and Zoghby.

—39

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 770. Relating to Tuscaloosa County; providing for the filing for record and the preservation of all orders and decrees made and entered by any judge of the circuit court in Tuscaloosa County.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 39; Nays 0.

Yeas:

Mr. Speaker, Albright, Ashley, Bennett, Blake, Blakeney, Boles, Bowling, Brakefield, Brooks, Bryant, Clark, Clikas, Cosby, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Horn, Johnson (Roy), Martin, Melton, Mitchell, Newman, Owens, Penry, Reed, Sasser, Scott, Smith, Starkey, Tucker, Venable, White (F), White (L) and Zoghby.

—39

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 780. Relating to Lowndes County; amending Section 1 of Act No. 81-923, H. 74, 1981 First Special Session, (Acts 1981, p. 73), relating to clerical assistance for the tax assessor and tax collector of the county, so as to further provide for such assistants.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 86; Nays 1.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Box, Brakefield, Brooks, Browder, Bryant, Butler, Carothers, Carter, Casey, Clark, Clikas, Coleman, Cosby, Crow, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harvey, Holmes, Horn, Johnson (AL), Johnson (Roy), Junkins, Kennedy, Kvalheim, Lauderdale, Layton, McKee, McMillan, Manley, Martin, Mathis, Melton, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Penry, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

—86

Nay: Rep. Davis. —1

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 248. To provide that all additional "mark ups," on cost of merchandise, levied by the Alcoholic Beverage Control Board subsequent to the effective date of this Act the total amount of such levy shall be designated to the credit of the General Fund of the State.

And finds same correctly enrolled.

JOHN S. CASEY,
Chairman.

SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

NOTICE IN WRITING

Rep. Rogers filed the following Notice in Writing:

Notice is hereby given that on the next Legislative Day a motion will be made directing Local Legislation No. 2 to report House Bill 553 to this body, as provided by House Rule 49.

SPECIAL ORDER RESUMED
H. 816 TEMPORARILY POSTPONED

On motion of Rep. Rains, the bill, H. 816, was temporarily postponed.

And the bill:

H. 817. Relating to Morgan County; permitting banks now or hereafter situated in Morgan County to establish, maintain or operate branch banks and branch offices within the corporate limits of Flint, Alabama, for the conduct of a general banking and trust business.

Was taken up.

SUBSTITUTE OFFERED

Rep. Martin offered the following substitute to the bill, H. 817:

A BILL TO BE ENTITLED
AN ACT

Relating to Morgan County; permitting banks authorized to engage in the banking business and having an office or place of business in Morgan County to establish, maintain or operate branch banks and branch offices within the corporate limits of Flint, Alabama, for the conduct of a general banking and trust business.

Be It Enacted by the Legislature of Alabama:

Section 1. In Morgan County, any bank, whether incorporated or unincorporated, within this state authorized to engage in the banking business and having an office or place of business within said county shall have the power to establish, maintain, and operate within the corporate limits of Flint, Alabama, one or more branches or branch banks, branch offices, branch agencies, additional offices, or branch places of business for the receipt of deposits, payment of checks, lending of money and the conduct of a general banking and trust business, provided that such bank, before the establishment of any such branch or branches, shall first secure the written consent thereto of the state superintendent of banks, the Federal Depository Insurance Corporation, or the Comptroller of the United States Currency.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 45; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Blake, Blakeney, Box, Brakefield, Brooks, Bryant, Butler, Carothers, Carter, Casey, Clikas, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Holmes, Johnson (Roy), Kennedy, Kvalheim, Lauderdale, Manley, Martin, Mathis, Melton, Minus, Mitchell, Nicholson, Owens, Reed, Richardson, Sasser, Scott, Smith, Starkey, Starr, Thomas, Warren, White (F), Williams and Zoghby.

—45

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 817. Relating to Morgan County; permitting banks authorized to engage in the banking business and having an office or place of business in Morgan County to establish, maintain or operate branch banks and branch offices within the corporate limits of Flint, Alabama, for the conduct of a general banking and trust business.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 52; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Blake, Blakeney, Box, Brakefield, Brooks, Bryant, Butler, Carter, Casey, Clikas, Davis, Dutton, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Holmes, Johnson (Roy), Kennedy, Kvalheim, Lauderdale, Manley, Martin, Melton, Minus, Mitchell, Nicholson, Owens, Parker, Poole, Reed, Richardson, Sasser, Scott, Smith, Starkey, Starr, Thomas, Venable, Warren, White (F), White (L), Williams, Wilson and Zoghby.

—52

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 816. Relating to Marshall County; to provide that all county commissioners shall serve full time; providing for compensation; and providing for retroactive effect.

Which previously was temporarily postponed, was read a third time at

length and passed and ordered sent forthwith to the Senate without engrossment.

Yeas 58; Nays 0.

Yeas:

Mr. Speaker, Ashley, Bennett, Blake, Blakeney, Box, Brakefield, Brooks, Bryant, Butler, Carter, Casey, Clark, Clikas, Cosby, Davis, Dutton, Escott, Freeman, Gaston, Goodwin, Grimsley, Hall, Holmes, Horn, Howard, Johnson (Roy), Kennedy, Kvalheim, Langford, Lauderdale, Manley, Mathis, Melton, Minus, Mitchell, Murphy, Nicholson, Owens, Parker, Payne, Poole, Rains, Reed, Richardson, Rogers, Sasser, Scott, Smith, Starkey, Starr, Thomas, Venable, Warren, White (F), White (L), Williams and Zoghby.

—58

And the bill:

H. 818. Relating to Tallapoosa County; amending Act No. 79-565, S. 200, 1979 Regular Session, which provides for a pistol permit fee in the county, so as to provide further for said fee.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 47; Nays 0.

Yeas:

Reps: Ashley, Bennett, Blake, Blakeney, Box, Brakefield, Brooks, Bryant, Butler, Carter, Casey, Clark, Clikas, Cosby, Dutton, Freeman, Gaston, Goodwin, Grimsley, Grouby, Holmes, Kennedy, Kvalheim, Langford, Lauderdale, Manley, Mathis, Minus, Mitchell, Nicholson, Owens, Parker, Penry, Reed, Rice, Richardson, Sasser, Scott, Smith, Starr, Thomas, Warren, White (F), White (L), Williams, Wilson and Zoghby.

—47

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 820. Relating to Tuscaloosa County, to amend Sections 1 and 2 of Act No. 601, H. 1087, 1976 Regular Session (Acts 1976, p. 817), which act deals with the issuance of pistol permits in certain counties classified on a population basis, so as to provide further for fees and renewals.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 56; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Blake, Blakeney, Box, Brakefield, Brooks, Browder, Bryant, Butler, Carter, Casey, Clark, Clikas, Cosby, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Holmes, Horn, Howard, Johnson (AL), Johnson (Roy), Kennedy, Kvalheim, Langford, Manley, Mathis, Melton, Minus, Mitchell, Nicholson, Owens, Penry, Poole,

Reed, Richardson, Sasser, Scott, Smith, Starkey, Starr, Thomas, Turner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

—56

And the bill:

H. 821. To authorize a procedure whereby the sheriff of Tuscaloosa County, Alabama, is authorized to offer for public auction to the highest bidder for cash abandoned and stolen personal property which has been recovered by the sheriff's department of Tuscaloosa County and stored by said department but which has been unclaimed after six (6) months; to provide that such auctions are to be made after notice of the time and place thereof shall have been given publication once a week for two weeks in a newspaper of general circulation published in Tuscaloosa County, Alabama, or by posting in a conspicuous place at the Tuscaloosa County courthouse; to provide that the first publication or posting of said notice shall be twenty days before the said auction; to provide a procedure for the conduct of said auction; to provide that the owner of any of the abandoned or stolen property recovered and stored by the sheriff of Tuscaloosa County, Alabama, may redeem the same at anytime prior to its sale by paying any reasonable storage or maintenance costs incurred and a pro rata cost of publication and further providing that after deducting and paying all expenses incurred in storing or auctioning the said property, all proceeds from the sale of said property shall be paid into the general fund of Tuscaloosa County, Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 54; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Blake, Blakeney, Boles, Brakefield, Brooks, Browder, Bryant, Carter, Casey, Clark, Clikas, Cosby, Davis, Escott, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Holmes, Johnson (Roy), Kvalheim, Langford, McMillan, Manley, Mathis, Melton, Minus, Mitchell, Nicholson, Owens, Penry, Poole, Reed, Richardson, Sasser, Scott, Smith, Starkey, Starr, Thomas, Venable, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

—54

And the bill:

H. 827. Relating to Bibb County; to provide further for the expense allowance for members of the board of education.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 52; Nays 0.

Yeas:

Reps: Adams, Ashley, Bennett, Blake, Blakeney, Boles, Box, Brakefield, Brooks, Bryant, Butler, Carter, Casey, Clark, Clikas, Cosby, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Holmes, Kennedy, Kvalheim, McMillan, Manley, Mathis, Melton, Minus, Mitchell, Nicholson, Owens, Penry, Poole, Reed, Richardson, Sasser, Scott, Smith, Starkey, Starr, Thomas, Turner, Venable, Warren, White (F), White (L), Williams,

Wright and Zoghby.

—52

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 828. Relating to Bibb County; to amend Section 1 of Act No. 81, H. 530, Regular Session 1977 (Acts 1977, p. 119), relating to the issuance of pistol permits by the sheriff, so as to increase the fees thereof.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 58; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Blake, Blakeney, Boles, Box, Brakefield, Brooks, Bryant, Butler, Carter, Casey, Clark, Clikas, Cosby, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Holmes, Howard, Johnson (AL), Johnson (Roy), Kennedy, Kvalheim, Langford, McMillan, Manley, Mathis, Melton, Minus, Mitchell, Nicholson, Owens, Penry, Poole, Reed, Rice, Richardson, Sasser, Scott, Smith, Starkey, Starr, Thomas, Turner, Venable, White (F), White (L), Williams, Wilson, Wright and Zoghby.

—58

And the bill:

H. 829. Relating to Bibb County; authorizing the Bibb County Commission to levy a county privilege, license, or excise tax on the sale, distribution, storage, use, or other consumption of tobacco and certain tobacco products in such county; providing for the collection and enforcement of the tax, and appropriating the proceeds therefrom.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 49; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Blake, Blakeney, Box, Brakefield, Brooks, Bryant, Butler, Carter, Casey, Clikas, Cosby, Freeman, Goodwin, Grimsley, Hall, Hammett, Holmes, Johnson (Roy), Kennedy, Lauderdale, McMillan, Manley, Mathis, Melton, Minus, Mitchell, Murphy, Nicholson, Owens, Penry, Poole, Rice, Richardson, Sasser, Scott, Smith, Starkey, Starr, Thomas, Turner, Venable, White (L), Williams, Wright and Zoghby.

—49

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 831. Relating only to Choctaw County, to further provide for the distribution of the tax levied by Act #82-344, Acts of Alabama, regular session 1982.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 55; Nays 0.

Yeas:

Mr. Speaker, Ashley, Bennett, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Bryant, Butler, Carter, Casey, Clikas, Cosby, Flowers, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Johnson (AL), Johnson (Roy), Kennedy, Kvalheim, Langford, Lauderdale, McKee, Manley, Mathis, Minus, Mitchell, Nicholson, Owens, Poole, Reed, Rice, Richardson, Sasser, Scott, Smith, Starkey, Starr, Thomas, Turner, Venable, White (F), White (L), Williams, Wilson, Wright and Zoghby.

—55

And the bill:

H. 836. (With Amendment): Relating to Macon County; providing that the members of the board of registrars shall be included in the county insurance program and providing retroactive effect.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 1, said committee amendment being as follows:

Amend H.B. 836, page 1, Section 1, line 19 by adding the following sentence: Said premiums will be paid from the County General Fund as all other County employees.

And the amendment was adopted.

Yeas 54; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Blake, Blakeney, Bowling, Box, Brakefield, Brooks, Bryant, Butler, Carter, Casey, Clikas, Cosby, Davis, Escott, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Johnson (Roy), Kennedy, Lauderdale, McMillan, Manley, Mathis, Melton, Minus, Mitchell, Murphy, Nicholson, Owens, Penry, Poole, Reed, Rice, Richardson, Sasser, Scott, Smith, Starr, Thomas, Turner, Venable, White (F), White (L), Williams, Wright and Zoghby.

—54

And the bill, H. 836, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 56; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Blake, Blakeney, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Butler, Carter, Casey, Clikas, Cosby, Davis, Escott, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall,

Hammett, Horn, Howard, Johnson (Roy), Kennedy, Langford, Lauderdale, McMillan, Manley, Mathis, Melton, Minus, Mitchell, Nicholson, Owens, Penry, Poole, Reed, Rice, Richardson, Sasser, Scott, Smith, Starr, Thomas, Turner, Venable, White (F), Williams, Wright and Zoghby.

—56

And the bill:

H. 837. Relating to Macon County; to authorize the county governing body to pay an additional expense allowance to the circuit clerk in Macon County; and to give retroactive effect.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 49; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Butler, Carter, Clikas, Crow, Escott, Faulk, Ford, Freeman, Goodwin, Grimsley, Hall, Hammett, Horn, Johnson (AL), Johnson (Roy), Kennedy, Langford, Lauderdale, Mathis, Melton, Minus, Mitchell, Nicholson, Reed, Rice, Richardson, Rogers, Sasser, Scott, Starr, Thomas, Turner, Venable, White (F), Williams and Zoghby.

—49

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 838. Relating to Macon County; providing for an expense allowance for the coroner.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 53; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Blake, Blakeney, Bowling, Box, Brakefield, Brooks, Bryant, Butler, Carter, Casey, Clark, Clikas, Cosby, Crow, Davis, Escott, Faulk, Flowers, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Holmes, Howard, Johnson (AL), Johnson (Roy), Langford, Lauderdale, McMillan, Mathis, Melton, Minus, Mitchell, Nicholson, Owens, Penry, Reed, Rice, Richardson, Sasser, Scott, Starkey, Thomas, Venable, White (F) and Zoghby.

—53

And the bill:

H. 830. Relating to Greene County; amending Section 1 of Act No. 376, H. 1040, Regular Session 1975 (Acts 1975, p. 926), relating to the creation, composition, appointment and terms of the Greene County Racing Commission, so as to provide that the Governor shall make such appointments and increases the term of office.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 44; Nays 0.

Yeas:

Reps.: Ashley, Bennett, Blake, Bowling, Brakefield, Browder, Bryant, Butler, Carter, Casey, Cosby, Crow, Faulk, Flowers, Ford, Gaston, Goodwin, Grimsley, Hall, Hammett, Johnson (AL), Johnson (Roy), Lauderdale, Lewis, McMillan, Manley, Mathis, Minus, Mitchell, Moore, Owens, Penry, Poole, Reed, Rice, Richardson, Sasser, Scott, Smith, Starkey, Starr, White (F), Wilson and Zoghby.

—44

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

The House then proceeded with the consideration of the unfinished business on the Special Order Calendar.

And the bill:

H. 691. (With Amendment): To prohibit absentee ownership of large tracts of agricultural lands in this state by certain aliens and corporations with certain exceptions; to prescribe comprehensive procedures and restrictions relating to enforcement of such prohibition and to prescribe penalties for violations.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on State Administration, said committee amendment being as follows:

Amend H. B. 691, page 4, subsection e., line 17, after the word "law", by striking the period and inserting in lieu thereof the following: ; and

Also, on page 4, between lines 17 and 18 by inserting the following subsection:

f. lands owned, leased, contracted or operated by any company, corporation or business entity producing timber or timber products.

Also, on page 7, subsection 1., line 35, after the word "act", by striking the period and inserting in lieu thereof the following: ; and

Also on page 7, on line 36, amend by inserting the following subsection:

m. lands owned, leased, contracted or operated by any company, corporation or business entity producing timber or timber products.

And the amendment was adopted.

Yeas 52; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Blake, Blakeney, Bowling, Box, Brakefield, Brooks, Butler, Carothers, Carter, Casey, Clikas, Cosby, Crow, Davis, Dutton, Escott, Ford, Freeman, Gaston, Goodwin, Grimsley,

Hammett, Holley, Horn, Johnson (RG), Johnson (Roy), Kennedy, Lauderdale, Lewis, McMillan, Manley, Mathis, Melton, Mitchell, Moore, Murphy, Payne, Penry, Poole, Reed, Richardson, Rogers, Scott, Smith, Starkey, Turner, Wright and Zoghby.

—52

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

AMENDMENT OFFERED

Rep. Dutton offered the following amendment to the bill, H. 691 as amended:

Amend H.B. 691, page 4, line 9, between the words mining and "purposes" by adding the following language:

and/or oil or petroleum exploration, distillation or refinement

Further amend H.B. 691, on page 4, line 10 by striking the word ~~mining~~ and inserting in lieu thereof: such

Further amend H.B. 691, on page 7, line 31 by adding subsection "j":

j. Any corporation engaged in non-agricultural pursuits and intending to acquire land for non-agricultural purposes.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 62; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Blake, Bowling, Box, Brakefield, Browder, Bryant, Butler, Carter, Casey, Clikas, Cosby, Crow, Davis, Dutton, Escott, Faulk, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Holley, Horn, Howard, Johnson (AL), Johnson (RG), Johnson (Roy), Kennedy, Langford, Lauderdale, McKee, McMillan, Manley, Mathis, Melton, Mitchell, Moore, Newman, Nicholson, Penry, Poole, Reed, Rogers, Scott, Smith, Starkey, Starr, Thomas, Thornton, Turner, Venable, Warren, White (F), Wilson and Zoghby.

—62

And the bill, H. 691, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 60; Nays 13.

Yeas:

Mr. Speaker, Ashley, Bennett, Blake, Boles, Box, Brakefield, Browder, Bryant, Butler, Casey, Clikas, Cosby, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Ford, Gaston, Goodwin, Grouby, Hammett, Harper, Holley, Horn, Howard, Johnson (AL), Johnson (RG), Junkins, Kvalheim, Lauderdale, McKee, McMillan, Manley, Martin, Mathis, Melton, Mitchell, Nevett, Newman, Nicholson, Owens, Parker, Poole, Preuitt, Rains, Rice, Richardson, Rogers, Smith, Thornton, Trammell, Turner, Venable, Warren,

White (F), White (L), and Wright.

—60

Nays:

Reps.: Adams, Brooks, Carothers, Freeman, Johnson (Roy), Murphy, Payne, Sasser, Scott, Starkey, Stout, Waggoner and Wilson.

—13

CO-SPONSORS ADDED

Reps. Drinkard, Rains and White (F) were added as co-sponsors to the bill, H. 691.

RESOLUTIONS

The following resolutions were introduced and distributed according to Joint Rule 11:

By Rep. Buskey:

H. R. 371. COMMENDING MR. DARYL PATTERSON FOR HIS DEDICATED CHURCH SERVICE.

Also:

By Rep. Buskey:

H. R. 372. COMMENDING MRS. NAOMI DAVIS FOR HER DEDICATED CHURCH SERVICE.

MOTION TO RECONSIDER ADOPTED

Having voted on the prevailing side, Rep. Hall offered the motion to reconsider the vote by which the bill, H. 830, was passed, and the motion to reconsider was adopted.

Yeas 50; Nays 5.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Boles, Bowling, Brakefield, Brooks, Bryant, Buskey, Butler, Clikas, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Ford, Freeman, Gaston, Goodwin, Grimsley, Hall, Horn, Lauderdale, Layton, Mathis, Melton, Minus, Nevett, Owens, Payne, Preuitt, Rains, Rice, Richardson, Rogers, Scott, Smith, Starkey, Starr, Thornton, Trammell, Turner, Venable, White (F), White (L), Wright and Zoghby.

—50

Nays:

Reps.: Box, Johnson (Roy), Manley, Mitchell and Poole.

—5

On motion of Rep. Hall, the Clerk of the House was directed to request the Senate to return to the House the bill, H. 830, for further consideration.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Adams, the rules were suspended in order to take up out of order the bill, H. 227.

And the bill:

H. 227. To provide that a convicted defendant in a misdemeanor case shall be required to reimburse the county or city for housing, maintenance and medical costs associated with the defendant's incarceration in a county or city jail.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 79; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Blake, Blakeney, Boles, Box, Brakefield, Brooks, Browder, Butler, Carothers, Casey, Cosby, Crow, Davis, Drinkard, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hammett, Harvey, Hettinger, Holley, Horn, Howard, Johnson (AL), Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Layton, Lewis, McKee, McMillan, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Newman, Nicholson, Owens, Payne, Poole, Preuitt, Rains, Rice, Richardson, Rogers, Sasser, Scott, Smith, Starkey, Starr, Stout, Trammell, Turner, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

—79

CO-SPONSORS ADDED

The following were added as co-sponsors to the bill, H. 227:

Mr. Speaker, Adams, Bennett, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Butler, Cosby, Crow, Drinkard, Faulk, Ford, Freeman, Gaston, Goodwin, Grimsley, Hammett, Hettinger, Holley, Howard, Johnson (AL), Johnson (RG), Johnson (Roy), Junkins, Kvalheim, Laird, Layton, Lewis, McMillan, Martin, Minus, Mitchell, Murphy, Newman, Nicholson, Owens, Payne, Poole, Preuitt, Rains, Richardson, Sasser, Smith, Starr, Trammell, Turner, Venable, Warren, White (F), White (L), Williams, Wilson and Zoghby.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Zoghby, the rules were suspended in order to take up out of order the bill, H. 693.

And the bill:

H. 693. To amend Act No. 81-1183, H. 71, 1981 3rd Special Session, which implements Amendment No. 394 to the Constitution of Alabama of 1901, providing for the Alabama Heritage Trust Fund, so as to provide further for the renovation and restoration of buildings in the main governmental complex.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 87; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Carothers, Carter, Casey, Clark, Clikas, Cosby, Crow, Davis, Drinkard, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harvey, Hettinger, Holley, Horn, Howard, Johnson (AL),

Johnson (RG), Johnson (Roy), Kennedy, Kvalheim, Laird, Langford, Layton, Lewis, McKee, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Payne, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Smith, Starkey, Starr, Thornton, Trammell, Turner, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

—87

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Wright, the rules were suspended in order to take up out of order the bill, H. 805.

And the bill:

H. 805. To exempt the 34th National Square Dance Convention from the payment of all state, county and municipal sales and use taxes.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 81; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Carothers, Casey, Clark, Cosby, Crow, Davis, Drinkard, Escott, Faulk, Ford, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harvey, Holley, Horn, Howard, Johnson (AL), Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Langford, Layton, Lewis, McKee, McMillan, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Payne, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Smith, Starkey, Starr, Thornton, Trammell, Turner, Venable, Waggoner, White (L), Williams, Wilson, Wright and Zoghby.

—81

CO-SPONSOR ADDED

Rep. Blake was added as co-sponsor to the bill, H. 805.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Hall, the rules were suspended in order to take up out of order the bill, H. 21.

And the bill:

H. 21. To amend Sections 40-23-4 and 40-23-62, Code of Alabama 1975, which provide for certain exemptions from sales and use taxes, so as to include diesel fuel used for off-highway agricultural purposes.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 71; Nays 2.

Yeas:

Mr. Speaker, Albright, Ashley, Blake, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Butler, Carothers, Casey, Clikas, Coleman, Cosby, Crow, Davis, Escott, Faulk, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Holley, Horn, Johnson (AL), Johnson (RG), Johnson

(Roy), Junkins, Kennedy, Kvalheim, Layton, McKee, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Nevett, Newman, Nicholson, Owens, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Smith, Starkey, Starr, Thomas, Thornton, Trammell, Turner, Venable, Waggoner, Warren, White (F), White (L), Williams and Wilson.

—71

Nays: Reps.: Murphy and Scott. —2

CO-SPONSORS ADDED

The following were added as co-sponsors to the bill, H. 21:

Mr. Speaker, Ashley, Blake, Blakeney, Brooks, Butler, Carothers, Crow, Faulk, Gaston, Goodwin, Grimsley, Grouby, Hammett, Holley, Johnson (AL), Johnson (RG), Johnson (Roy), Junkins, Kvalheim, Lauderdale, Layton, McKee, Manley, Mathis, Melton, Moore, Newman, Nicholson, Poole, Preuitt, Rains, Reed, Rice, Richardson, Sasser, Smith, Starr, Thornton, Trammell, Turner, Venable, Waggoner, Warren and White (L).

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Albright, the rules were suspended in order to take up out of order the bill, H. 126.

And the bill:

H. 126. To require the Commissioner of Labor to establish procedures to aid workers adversely affected by the closing of or substantial lay-off at an industry, so as to provide for the least economic disruption to such workers and their creditors.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 70; Nays 0.

Yeas:

Mr. Speaker, Ashley, Bennett, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Browder, Bryant, Buskey, Butler, Carothers, Casey, Clark, Clikas, Coleman, Cosby, Davis, Drinkard, Escott, Faulk, Ford, Freeman, Gaston, Goodwin, Hall, Holley, Horn, Howard, Johnson (AL), Johnson (RG), Johnson (Roy), Junkins, Kennedy, Langford, Lauderdale, McMillan, Martin, Mathis, Melton, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Smith, Starkey, Starr, Thomas, Thornton, Trammell, Turner, Venable, Waggoner, Warren, White (F), White (L), Williams and Wilson.

—70

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Wilson, the rules were suspended in order to take up out of order the bill, H. 461.

And the bill:

H. 461. (With Amendment): To amend Section 36-29-2, Code of Alabama 1975, which creates the state employees' insurance board, so as to provide further for membership on the board.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Insurance, said committee amendment being as follows:

Amend H.B. 461 on page 1, Section 1, line 29, after the words "state and" by striking the words "~~two retirees~~" and inserting in lieu thereof the words "one retiree".

Further amend on page 2, line 5, after the word "The" by striking the words "~~two retiree members~~" and inserting in lieu thereof the words "one retiree member".

And the amendment was adopted.

Yeas 77; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Bennett, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Carothers, Casey, Clark, Coleman, Cosby, Crow, Davis, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Holley, Horn, Howard, Johnson (AL), Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Langford, McKee, McMillan, Martin, Mathis, Melton, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Smith, Starkey, Starr, Thomas, Trammell, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams and Wilson.

—77

And the bill, H. 461, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 77; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Blake, Blakeney, Boles, Box, Brakefield, Brooks, Bryant, Buskey, Butler, Carothers, Casey, Clark, Coleman, Cosby, Crow, Davis, Drinkard, Escott, Faulk, Flowers, Ford, Gaston, Goodwin, Grimsley, Grouby, Hammett, Harper, Holley, Horn, Howard, Johnson (AL), Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Langford, McKee, McMillan, Martin, Mathis, Melton, Minus, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Smith, Starkey, Starr, Thomas, Thornton, Trammell, Tucker, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson and Zoghby.

—77

CO-SPONSORS ADDED

The following were added as co-sponsors to the bill, H. 461:

Mr. Speaker, Blake, Blakeney, Boles, Brakefield, Brooks, Butler, Coleman, Davis, Dutton, Flowers, Ford, Goodwin, Grimsley, Grouby, Hammett, Holley, Horn, Howard, Johnson (Roy), Kvalheim, Langford, McKee, Martin, Mathis, Melton, Mitchell, Moore, Murphy, Nicholson, Owens, Penry, Poole, Preuitt, Rains, Richardson, Rogers, Smith, Starr, Trammell, Tucker, Venable, Warren, White (F), White (L), and Williams.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Bennett, the rules were suspended in order to take up out of order the bill, H. 165.

And the bill:

H. 165. To amend Sections 5-17-2, 5-17-3, 5-17-10, 5-17-11, 5-17-12, 5-17-15, 5-17-16, and 5-17-22, Code of Alabama 1975, which provide for credit unions, so as to further provide for their organization and incorporation, for credit unions organized in other states, for the duties of boards of directors and officers, for the powers and duties of credit committees, for deposits made in the names of two or more persons, for the disposition of shares of deceased persons, and to provide for conversions of federal and state credit unions.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 85; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Blake, Blakeney, Boles, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Casey, Clark, Clikas, Coleman, Cosby, Crow, Davis, Drinkard, Escott, Faulk, Ford, Gaston, Goodwin, Grimsley, Grouby, Hammett, Harper, Holley, Horn, Howard, Johnson (AL), Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Langford, Layton, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Smith, Starkey, Starr, Thomas, Thornton, Trammell, Tucker, Turner, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

—85

CO-SPONSOR ADDED

Rep. Smith was added as co-sponsor to the bill, H. 165.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Cosby, the rules were suspended in order to take up out of order the bill, H. 534.

And the bill:

H. 534. (With Substitute): To further amend Section 40-23-1, Alabama Code, 1975, as amended, which Section contains various definitions applicable to the Alabama Sales Tax, so as to clarify, and remove ambiguity from, the definitions of "gross proceeds of sales", "gross receipts" and "sale at retail or retail sale", and declaring that such clarification does not constitute a change in, but is declaratory of, the pre-existing law.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To further amend Section 40-23-1, Alabama Code, 1975, as amended, which Section contains various definitions applicable to the Alabama Sales Tax, so as to clarify, and remove ambiguity from, the definitions of "gross proceeds of sales", "gross receipts" and "sale at retail or retail sale", and declaring that such clarification does not constitute a change in, but is declaratory of, the pre-existing law.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 40-23-1, Alabama Code, 1975, as amended, is further amended to read as follows:

(a) For the purpose of this division, the following terms shall have the respective meanings ascribed by this section:

(1) PERSON OR COMPANY. Used interchangeably, includes any individual, firm, copartnership, association, corporation, receiver, trustee or any other group or combination acting as a unit and the plural as well as the singular number, unless the intention to give more limited meaning is disclosed by the context.

(2) DEPARTMENT. The department of revenue of the state of Alabama.

(3) COMMISSIONER. The commissioner of revenue of the state of Alabama.

(4) TAX YEAR or TAXABLE YEAR. The calendar year.

(5) SALE or SALES. Installment and credit sales and the exchange of properties as well as the sale thereof for money, every closed transaction constituting a sale.

(6) GROSS PROCEEDS OF SALES. The value proceeding or accruing from the sale of tangible personal property, and including the proceeds from the sale of any property handled on consignment by the taxpayer, including merchandise of any kind and character without any deduction on account of the cost of the property sold, the cost of the materials used, labor or service cost, interest paid or any other expenses whatsoever, and without any deductions on account of losses; provided, that cash discounts allowed and taken on sales shall not be included, and "gross proceeds of sales" shall not include the sale price of property returned by customers when the full sales price thereof is refunded either in cash or by credit. Said term "gross proceeds of sale" shall also mean and include the reasonable and fair market value of any tangible personal property previously purchased at wholesale by a person engaged in the business of selling at retail tangible personal property which is withdrawn or used from the business or stock ~~and~~ by such person for the personal and private ~~used~~ use or ~~consumed~~ consumption, without transfer of title, in connection with ~~said~~ the business, and shall also mean and include the reasonable and fair market value of any tangible personal property previously purchased at wholesale by a person engaged in the business of selling at retail tangible personal property which is withdrawn from the business or stock ~~and~~ for the personal and private used-use or ~~consumed~~ consumption, without transfer of title, by ~~any~~ the person so withdrawing the same, except property which has been previously withdrawn from such business or stock and so used or consumed with respect to which property the tax has been paid because of such previous withdrawal,

use or consumption, and except property which enters into and becomes an ingredient or component part of tangible personal property or products manufactured, fabricated or compounded for sale or for use in the performance of a con-tact for improvements or additions to real estate situated outside the State of Alabama. ~~and not for the personal and private use or consumption of any person so withdrawing, using or consuming the same.~~

(7) TAXPAYER. Any person liable for taxes hereunder.

(8) GROSS RECEIPTS. The value proceeding or accruing from the sale of tangible personal property, including merchandise and commodities of any kind and character, all receipts actual and accrued, by reason of any business engaged in, not including, however, interest, discounts, rentals of real estate or royalties, and without any deduction on account of the cost of the property sold, the cost of the materials used, labor or service cost, interest paid or any other expenses whatsoever and without any deductions on account of losses. Said term "gross receipts" shall also mean and include the reasonable and fair market value of any tangible personal property previously purchased at wholesale by a person engaged in the business of selling at retail tangible personal property which is withdrawn or used from the business or stock ~~and~~ by such person for the personal and private used use or ~~consumed~~ consumption, without transfer of title, in connection with ~~said~~ the business, and shall also mean and include the reasonable and fair market value of any tangible personal property previously purchased at wholesale by a person engaged in the business of selling at retail tangible personal property which is withdrawn from the business or stock ~~and~~ for the personal and private used use or ~~consumed~~ consumption, without transfer of title, by ~~any~~ the person so withdrawing the same, except property which has been previously withdrawn from such business or stock and so used or consumed and with respect to which property the tax has been paid because of such previous withdrawal, use or consumption, and except property which enters into and becomes an ingredient or component part of tangible personal property or products manufactured, fabricated or compounded for sale or for use in the performance of a contract for improvements or additions to real estate situated outside the State of Alabama. ~~and not for the personal and private use or consumption of any person so withdrawing, using or consuming the same.~~

(9) WHOLESALE SALE OR SALE AT WHOLESALE. Any one of the following:

a. A sale of tangible personal property by wholesalers to licensed retail merchants, jobbers, dealers, or other wholesalers for resale and does not include a sale by wholesalers to users or consumers, not for resale;

b. A sale of tangible personal property or products, including iron ore, to a manufacturer or compounder which enter into and become an ingredient or component part of the tangible personal property or products which such manufacturer or compounder manufactures or compounds for sale, whether or not any such tangible personal property or product used in manufacturing or compounding a finished product is used with the intent that it becomes a component of the finished product; provided, however that it is the intent of this section that no capital equipment, machinery, tools, or product, except for those materials essential for the reaction process and in direct contact with the intermediate and finished product used for the production of the finished product shall be exempt and the furnished container and label thereof;

c. A sale of containers intended for one-time use only, and the labels

thereof, when such containers are sold without contents to persons who sell or furnish such containers along with the contents placed therein for sale by such persons.

d. A sale of pallets intended for one-time use only when such pallets are sold without contents to persons who sell or furnish such pallets along with the contents placed thereon for sale by such persons;

e. A sale to a manufacturer or compounder, of crowns, caps and tops intended for one-time use employed and used upon the containers in which such manufacturer or compounder markets his products;

f. A sale of containers to persons engaged in selling or otherwise supplying or furnishing baby chicks to growers thereof where such containers are used for the delivery of such chicks or a sale of containers for use in the delivery of eggs by the producer thereof to the distributor or packer of such eggs even though such containers used for delivery of baby chicks or eggs may be recovered for reuse;

g. A sale of bagging and ties used in preparing cotton for market;

h. A sale to meat packers, manufacturers, compounders or processers of meat products of all casings used in molding or forming wieners and Vienna sausages even though such casings may be recovered for reuse;

i. A sale of commercial fish feed including concentrates, supplements and other feed ingredients when such substances are used as ingredients in mixing and preparing feed for fish raised to be sold on a commercial basis;

j. A sale of tangible personal property to any person engaging in the business of leasing or renting such tangible personal property to others, if such tangible personal property is purchased for the purpose of leasing or renting it to others under a transaction subject to the privilege or license tax levied in article 4 of chapter 12 of this title against any person engaging in the business of leasing or renting tangible personal property to others;

k. A purchase or withdrawal of parts or materials from stock by any person licensed under this division where such parts or materials are used in repairing or reconditioning the tangible personal property of such licensed person, which tangible personal property is a part of the stock of goods of such licensed person, offered for sale by him and not for use or consumption of such licensed person.

(10) SALE AT RETAIL or RETAIL SALE. All sales of tangible personal property except those above defined as wholesale sales. The quantities of goods sold or prices at which sold are immaterial in determining whether or not a sale is at retail. Sales of building materials to contractors, builders or landowners for resale or use in the form of real estate are retail sales in whatever quantity sold. Sales of building materials, fixtures or other equipment to a manufacturer or builder of modular buildings for use in manufacturing, building or equipping a modular building ultimately becoming a part of real estate situated in the state of Alabama are retail sales, and the use, sale or resale of such building shall not be subject to the tax. Sales of tangible personal property to undertakers and morticians are retail sales and subject to the tax at the time of purchase, but are not subject to the tax on resale to the consumer. Sales of tangible personal property or products to manufacturers, quarry operators, mine operators or compounders, which are used or consumed by them in manufacturing, mining, quarrying or compounding and do not become an ingredient or component part of the tangible personal property manufactured or compounded are retail sales. The

term "sale at retail" or "retail sale" shall also mean and include the withdrawal, use or consumption of any tangible personal property previously purchased at wholesale by a person engaged in the business of selling at retail tangible personal property from the business or stock for the personal and private use or consumption, without transfer of title, in connection with the business or by the person so withdrawing, using or consuming the same, ~~by anyone who purchases same at wholesale~~, except property which has been previously withdrawn from the business or stock and so used or consumed and with respect to which property tax has been paid because of such previous withdrawal, use or consumption, and except property which enters into and becomes an ingredient or component part of tangible personal property or products manufactured, fabricated or compounded for sale or for use in the performance of a contract for improvements or additions to real estate situated outside the State of Alabama; ~~and not for the personal and private use or consumption of any person so withdrawing, using or consuming the same;~~ and such wholesale purchaser shall report and pay the taxes thereon.

(11) BUSINESS. All activities engaged in, or caused to be engaged in, with the object of gain, profit, benefit or advantage, either direct or indirect, and not excepting subactivities producing marketable commodities used or consumed in the main business activity, each of which subactivities shall be considered business engaged in, taxable in the class in which it falls.

(12) AUTOMOBILE VEHICLE. A power shovel, dragline, crawler, crawler crane, ditcher or any similar machine which is self-propelled, in addition to self-propelled machines which are used primarily as instruments of conveyance.

(b) The use within this state of tangible personal property by the manufacturer thereof, as building materials in the performance of a construction contract, shall, for the purposes of this division, be considered as a retail sale thereof by such manufacturer, who shall also be construed as the ultimate consumer of such materials or property, and who shall be required to report such transaction and pay the sales tax thereon, based upon the reasonable and fair market price thereof at the time and place where same are used or consumed by him or it. Where the contractor is the manufacturer or compounder of ready-mix concrete or asphalt plant mix used in the performance of a contract, whether the ready-mix concrete or asphalt plant mix is manufactured or compounded at the job site or at a fixed permanent plant location, the tax applies only to the cost of the ingredients that become a component part of the ready-mix concrete or the asphalt plant mix. The provisions of this subsection shall not apply to any tangible personal property which is specifically exempted from the tax levied in this division.

(c) The sale of lumber by a lumber manufacturer to a trucker for resale is a sale at wholesale as such sales are defined herein where the trucker is either a licensed dealer in lumber or, if a resident of Alabama, has registered with the department of revenue, and has received therefrom a certificate of such registration or, if a nonresident of this state purchasing lumber for resale outside the state of Alabama, has furnished to the lumber manufacturer his name, address and the vehicle license number of the truck in which the lumber is to be transported, which name, address and vehicle license number shall be shown on the sales invoice rendered by the lumber manufacturer. The certificate provided for herein shall be valid for the calendar year of its issuance and may be renewed from year to year on application to the department of revenue on or before January 31 of each succeeding year; provided, that if not renewed the certificate shall become

invalid for the purpose of this division on February 1.

(d) The dispensing or transferring of ophthalmic materials, including lenses, frames, eyeglasses, contact lenses and other therapeutic optic devices, to a patient by a licensed ophthalmologist or optometrist, as a part of his or her professional service, shall not, for purposes of this division, be deemed or considered to constitute a sale, subject to the state sales tax. Such licensed ophthalmologist or optometrist shall be considered the ultimate consumer of the ophthalmic materials and shall have no responsibility or duty pursuant to this division for the collection of the state sales tax. The sale of the ophthalmic materials to a licensed ophthalmologist or optometrist by a supplier thereof shall be considered a retail sale subject to the state sale tax, and the supplier shall be responsible for collecting such sales tax from the licensed ophthalmologist or optometrist. In no event shall the providing of professional services in connection with the dispensing or transferring of ophthalmic materials by a licensed ophthalmologist or optometrist be considered a sale subject to the state sales tax. All transfers of ophthalmic materials by opticians shall be considered retail sales subject to the state sales tax. The term supplier shall include but not be limited to optical laboratories, ophthalmic material wholesalers, or anyone selling opthalmic materials to ophthalmologists and optometrists.

Section 2. This Act does not constitute a change in, but is declaratory of, the pre-existing law.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This Act shall become effective immediately following its passage and approval by the Governor, or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 75; Nays 0.

Yeas:

Mr. Speaker, Adams, Bennett, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Butler, Carothers, Coleman, Cosby, Crow, Davis, Escott, Faulk, Flowers, Ford, Gaston, Goodwin, Grimsley, Grouby, Hammett, Holley, Horn, Johnson (AL), Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Langford, Layton, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Smith, Starkey, Starr, Thomas, Thornton, Turner, Venable, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

—75

CO-SPONSOR ADDED

Rep. Tucker was added as co-sponsor to the bill, H. 534.

And the bill, H. 534, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 79; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Browder, Bryant, Buskey, Butler, Carothers, Clark, Clikas, Coleman, Cosby, Crow, Davis, Escott, Faulk, Flowers, Ford, Gaston, Goodwin, Grimsley, Grouby, Hammett, Harper, Holley, Horn, Howard, Johnson (AL), Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Langford, Layton, McKee, McMillan, Manley, Martin, Mathis, Melton, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Penry, Poole, Reed, Richardson, Rogers, Sasser, Scott, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

—79

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Cosby, the rules were suspended in order to take up out of order the bill, H. 535.

And the bill:

H. 535. (With Substitute): To amend Section 40-23-60, Alabama Code, 1975, which Section contains various definitions applicable to the Alabama Use Tax, so as to clarify, and remove ambiguity from, the definitions of "sale at retail or retail sale", and declaring that such clarification does not constitute a change in, but is declaratory of, the pre-existing law.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To amend Section 40-23-60, Alabama Code, 1975, which Section contains various definitions applicable to the Alabama Use Tax, so as to clarify, and remove ambiguity from, the definitions of "sale at retail or retail sale", and declaring that such clarification does not constitute a change in, but is declaratory of, the pre-existing law.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 40-23-60, Alabama Code, 1975, is amended to read as follows:

For the purpose of this article, the following terms shall have the respective meanings ascribed to them in this section:

(1) PERSON or COMPANY. Any individual, firm, company, partnership, association, corporation, receiver or trustee, or any other group or combination acting as a unit, and the plural as well as the singular number, unless the intention to give a more limited meaning is disclosed by the context.

(2) DEPARTMENT. The department of revenue of the state of Alabama.

(3) COMMISSIONER. The commissioner of revenue of the state of Alabama.

(4) WHOLESALE SALE or SALE AT WHOLESALE. Any one of the following:

a. A sale of tangible personal property by wholesaler to licensed retail merchants, jobbers, dealers or other wholesalers for resale and does not include a sale by wholesalers to users or consumers, not for resale;

b. A sale of tangible personal property or products, including iron ore, to a manufacturer or compounder which enter into and become an ingredient or component part of the tangible personal property or products which such manufacturer or compounder manufactures or compounds for sale, and the furnished container and label thereof;

c. A sale of containers intended for one-time use only, and the labels thereof, when such containers are sold without contents to persons who sell or furnish such containers along with the contents placed therein for sale by such persons;

d. A sale of pallets intended for one-time use only, and the labels thereof, when such containers are sold without contents to persons who sell or furnish such containers along with the contents placed therein for sale by such persons;

e. A sale to a manufacturer or compounder, of crowns, caps and tops intended for one-time use employed and used upon the containers in which such manufacturer or compounder markets his products;

f. A sale of containers to persons engaged in selling or otherwise supplying or furnishing baby chicks to growers thereof where such containers are used for the delivery of such chicks or a sale of containers for use in the delivery of eggs by the producer thereof to the distributor or packer of such eggs even though such containers used for delivery of baby chicks or eggs may be recovered for reuse;

g. A sale of bagging and ties used in preparing cotton for market;

h. A sale of commercial fish feed including concentrates, supplements and other feed ingredients when such substances are used as ingredients in mixing and preparing feed for fish raised to be sold on a commercial basis;

i. A sale of tangible personal property to any person engaging in the business of leasing or renting such tangible personal property to others, if such tangible personal property is purchased for the purpose of leasing or renting it to others under a transaction subject to the privilege or license tax levied in article 4 of chapter 12 of this title against any person engaging in the business of leasing or renting tangible personal property to others;

j. A purchase or withdrawal of parts or materials from stock by any person licensed under this article where such parts or materials are used in repairing or reconditioning the tangible personal property of such licensed person which tangible personal property is a part of the stock of goods of such licensed person, offered for sale by him and not for use or consumption of such licensed person;

k. A sale to meat packers, manufacturers, compounders or processors of meat products of all casings used in moulding or forming wieners and Vienna sausages, even though such casings may be recovered for reuse.

(5) SALE AT RETAIL or RETAIL SALE. All sales of tangible personal property except those above defined as wholesale sales. The quantities of goods sold or prices at which sold are immaterial in determining whether or not a sale is at retail. Sales of building materials to contractors, builders

or landowners for resale or use in the form of real estate are retail sales in whatever quantity sold. Sales of building materials, fixtures or other equipment to a manufacturer or builder of modular buildings for use in manufacturing, building or equipping a modular building ultimately becoming a part of real estate situated in the state of Alabama are retail sales, and the use, sale or resale of such building shall not be subject to the tax. Sales of tangible personal property to undertakers and morticians are retail sales and subject to the tax at the time of purchase, but are not subject to the tax on resale to the consumer. Sales of tangible personal property or products to manufacturers, quarry operators, mine operators, or compounders, which are used or consumed by them in manufacturing, mining, quarrying or compounding and do not become an ingredient or component part of the tangible personal property manufactured or compounded are retail sales. The term "sale at retail" or "retail sale" shall also mean and include the withdrawal, use or consumption of any tangible personal property previously purchased at wholesale by a person engaged in the business of selling at retail tangible personal property from the business or stock for the personal and private use or consumption, without transfer of title, in connection with the business or by the person so withdrawing, using or consuming the same, ~~by anyone who purchases same at wholesale~~, except property which has been previously withdrawn from the business or stock and so used or consumed and with respect to which property the tax has been paid because of such previous withdrawal, use or consumption and except property which enters into and becomes an ingredient or component part of tangible personal property or products manufactured, fabricated or compounded for sale or for use in the performance of a contact for improvements for additions to real estate situated outside the State of Alabama; ~~and not for the personal and private use or consumption of any person so withdrawing, using or consuming the same~~, and such wholesale purchaser shall report and pay the taxes thereon. The term "retail sale" or "sale at retail" shall also mean and include the sale of tangible personal property previously purchased at wholesale for the purpose of leasing or renting under a transaction subject to the privilege or license tax levied in article 4 of chapter 12 of this title, regardless of whether such sale is to the person who theretofore leased or rented the said tangible personal property or to some other person.

(6) BUSINESS. All activities engaged in, or caused to be engaged in, with the object of gain, profit, benefit or advantage, either direct or indirect, and not excepting subactivities producing marketable commodities used or consumed in the main business activity, each of which subactivities shall be considered business engaged in, taxable in the class in which it falls.

(7) STORAGE. Any keeping or retention in this state for any purpose except sale in the regular course of business or subsequent use solely outside this state of tangible personal property purchased at retail.

(8) USE. The exercise of any right or power over tangible personal property incident to the ownership of that property, or by any transaction where possession is given, except that it shall not include the sale of that property in the regular course of business.

(9) PURCHASE. Acquired for a consideration, whether such acquisition was effected by a transfer of title, or of possession or of both, or a license to use or consume; whether such transfer shall have been absolute or conditional, and by whatsoever means the same shall have been effected; and whether such consideration be a price or rental in money, or by way of exchange or barter.

(10) SALES PRICE. The total amount for which tangible personal property is sold, including any services, including transportation, that are a part of the sale, valued in money, whether paid in money or otherwise, and includes any amount for which credit is given to the purchaser by the seller, without any deduction therefrom on account of the cost of the property sold, the cost of the materials used, labor or service cost, interest charged, losses or any other expenses whatsoever; provided, that cash discounts allowed and taken on sales shall not be included and sales price shall not include the amount charged for property returned by customers when the entire amount charged therefor is refunded either in cash or by credit.

(11) IN THIS STATE or IN THE STATE. Within the exterior limits of the state of Alabama, and includes all territory within such limits owned by or ceded to the United States of America.

(12) AUTOMOTIVE VEHICLE. A power shovel, dragline, crawler, crawler crane, ditcher or any similar machine which is self-propelled, in addition to self-propelled machines which are used primarily as instruments of conveyance.

Section 2. This Act does not constitute a change in, but is declaratory of, the pre-existing law.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This Act shall become effective immediately following its passage and approval by the Governor, or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 76; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Carothers, Clark, Clikas, Coleman, Cosby, Crow, Davis, Escott, Faulk, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hammett, Harper, Holley, Howard, Johnson (AL), Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Langford, Layton, McMillan, Manley, Martin, Mathis, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Poole, Rains, Reed, Richardson, Sasser, Scott, Smith, Starkey, Starr, Thomas, Trammell, Tucker, Turner, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

—76

And the bill, H. 535, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 87; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Carothers, Clark, Clikas, Coleman, Cosby, Crow, Davis, Drinkard, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hammett, Horn, Howard, Johnson (AL), Johnson (RG), Johnson (Roy), Junkins, Kennedy,

Kvalheim, Langford, Layton, Lewis, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turner, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

—87

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Waggoner, the rules were suspended in order to take up out of order the bill, H. 89.

And the bill:

H. 89. To amend Section 11-43-3, Code of Alabama 1975, to eliminate the requirement that the city treasurer and the city clerk in municipalities of more than 6,000 inhabitants must be a resident of the city but providing that the council may, by ordinance, require that such officers be residents of the city.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 68; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Buskey, Carothers, Clark, Clikas, Faulk, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hammett, Holley, Howard, Johnson (AL), Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Langford, Lauderdale, Layton, McKee, McMillan, Manley, Martin, Mathis, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Owens, Penry, Poole, Reed, Rice, Richardson, Scott, Smith, Starkey, Starr, Stout, Thomas, Trammell, Turner, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby,

—68

CO-SPONSOR ADDED

Rep. Venable was added as co-sponsor to the bill, H. 89.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. White (L), the rules were suspended in order to take up out of order the bill, H. 174.

And the bill:

H. 174. To amend Section 11-50-234, Code of Alabama, 1975 relating to the Board of Directors of Water Works and Sewer Boards organized under the provisions of Division 1, Article 8, Chapter 50, Code of Alabama, 1975 so as to authorize the governing body of any municipality which has heretofore or hereafter authorized the creation of such a corporation to increase the board of directors of the corporation from three to five members, any provision of the Articles of Incorporation of such corporation to the contrary notwithstanding.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 72; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Blake, Boles, Bowling, Box, Brakefield, Brooks, Bryant, Carothers, Casey, Clark, Clikas, Coleman, Escott, Flowers, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hammett, Harper, Holley, Johnson (AL), Johnson (RG), Johnson (Roy), Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Newman, Nicholson, Owens, Payne, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Turner, Venable, Waggoner, Warren, White (L), Williams, Wilson, Wright and Zoghby.

—72

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. White (F), the rules were suspended in order to take up out of order the bill, H. 402.

And the bill:

H. 402. Relating to persons in the employment of the state and the right of such persons to participate in political activities and the improper use of position to influence votes or political actions; amending Section 17-1-7 and 36-26-38, Code of Alabama 1975, relating to political activities of public employees, the prohibition of such political activities; and the improper use of official authority or position for political purposes, so as to prescribe that persons in the employment of the state shall have the same political rights as other citizens of the state and to prohibit such employee using state property or state time to promote such activities; and providing further for the prohibition of certain political activities and the improper use of official authority or position.

Was taken up.

CO-SPONSORS ADDED

The following were added as co-sponsors to the bill, H. 402:

Mr. Speaker, Adams, Ashley, Bennett, Blake, Boles, Box, Brakefield, Bryant, Buskey, Butler, Clark, Clikas, Coleman, Crow, Davis, Drinkard, Escott, Freeman, Goodwin, Grimsley, Grouby, Hammett, Holley, Horn, Howard, Johnson (AL), Johnson (Roy), Junkins, Lauderdale, Layton, McKee, McMillan, Martin, Mitchell, Nevett, Nicholson, Owens, Penry, Poole, Rains, Reed, Richardson, Rogers, Smith, Starkey, Thomas, Thornton, Trammell, Turner, Venable, Warren, White (F), White (L), Williams and Wright.

S. 250 SUBSTITUTED FOR H. 402

On motion of Rep. Langford, the bill, S. 250, was substituted for the bill, H. 402.

And the bill:

S. 250. Relating to persons in the employment of the state and the right of such persons to participate in political activities and the improper use of position to influence votes or political actions; amending Sections 17-1-7 and 36-26-38, Code of Alabama 1975, relating to political activities of

public employees, the prohibition of such political activities; and the improper use of official authority or position for political purposes, so as to prescribe that persons in the employment of the state shall have the same political rights as other citizens of the state and to prohibit such employee using state property or state time to promote such activities; and providing further for the prohibition of certain political activities and the improper use of official authority or position.

Was read a third time at length and passed.

Yeas 76; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Blake, Boles, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Carothers, Casey, Clark, Clikas, Coleman, Crow, Davis, Drinkard, Escott, Flowers, Ford, Goodwin, Grimsley, Grouby, Hammett, Harper, Holley, Horn, Howard, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Lauderdale, Layton, McKee, McMillan, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Penry, Poole, Preuitt, Rains, Richardson, Rogers, Scott, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turner, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

—76

PERMISSION GRANTED

Permission was granted for the Journal to show that Rep. Cosby would have voted "Yea" on the bill, S. 250, had he been present at the time of voting.

H. 402 INDEFINITELY POSTPONED

On motion of Rep. Langford, the bill, H. 402, was indefinitely postponed.

MOTION TO SUSPEND RULES LOST

The motion offered by Rep. Blakeney to suspend the rules in order to take up out of order the bill, H. 643, was lost.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Grouby, the rules were suspended in order to take up out of order the bill, H. 305.

And the bill:

H. 305. To amend Section 32-8-2, Code of Alabama 1975, which defines certain terms for a uniform certificate of title for motor vehicles, so as to provide further for the definition of "owner."

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 66; Nays 0.

Yeas:

Mr. Speaker, Ashley, Bennett, Blake, Box, Brakefield, Brooks, Bryant, Buskey, Butler, Carothers, Casey, Clark, Clikas, Coleman, Cosby, Crow, Drinkard, Escott, Faulk, Ford, Freeman, Gaston, Goodwin, Grimsley,

Grouby, Hammett, Harper, Holley, Howard, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Langford, Layton, McKee, McMillan, Manley, Martin, Mathis, Melton, Mitchell, Moore, Murphy, Nevett, Nicholson, Owens, Poole, Rains, Rice, Richardson, Scott, Smith, Starkey, Starr, Stout, Trammell, Turner, Venable, Warren, White (F), White (L), Williams and Wilson.

—66

CO-SPONSOR ADDED

Rep. Smith was added as co-sponsor to the bill, H. 305.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 364. COMMENDING THE ENTERPRISE RESCUE SQUAD.

McDOWELL LEE,
Secretary.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Boles, the rules were suspended in order to take up out of order the bill, H. 307.

And the bill:

H. 307. To provide for court ordered continuing income withholding by employers as a means of support enforcement; to provide that such order may be included as a part of any original judgment or decree for the payment of support; to provide that such order may be entered after notice and a hearing as a post judgment remedy for the enforcement of delinquent support amounts in addition to enforcing continuing, prospective support obligations; to provide for the content or orders entered pursuant to this Act; to provide that income withholding orders shall be binding upon present and successive employers; to provide for the service of orders entered pursuant to this Act upon the employer; to provide for the modification or termination of income withholding orders; to provide for the collection of certain fees for the filing of a petition for an income withholding order and for the collection of certain service fees; to provide that an income withholding order for support shall take precedence over subsequently issued garnishments; to provide that no employer may discharge or refuse to hire a person who is the subject of an income withholding order; to provide that any employer who refuses to comply with the order may be deemed to be in contempt of court; and, further to specifically repeal Sections 6-6-490 through 6-6-493, Code of Alabama 1975, relating to garnishments to enforce child support.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 67; Nays 0.

Yeas:

Mr. Speaker, Ashley, Bennett, Blake, Boles, Box, Brakefield, Brooks, Browder, Buskey, Carothers, Casey, Clark, Clikas, Crow, Davis, Drinkard,

Escott, Faulk, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hammett, Harper, Hettinger, Holley, Howard, Johnson (AL), Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Layton, Manley, Martin, Mathis, Melton, Mitchell, Moore, Nevett, Newman, Nicholson, Owens, Poole, Rains, Rice, Richardson, Rogers, Scott, Smith, Starkey, Starr, Stout, Trammell, Tucker, Turner, Venable, Warren, White (F), White (L) and Williams.

—67

CO-SPONSORS ADDED

Reps. Starr, Gaston and Kvalheim were added as co-sponsors to the bill, H. 307.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Blakeney, the rules were suspended in order to take up out of order the bill, H. 323.

And the bill:

H. 323. To amend Sections 2-10-21 and 2-10-23, Code of Alabama 1975, by raising initial permit fees of associations to $25.00; to require annual renewal permit fees of $25.00 for associations; to provide that annual renewal fees are payable for branch offices.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 70; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Blake, Blakeney, Bowling, Box, Brakefield, Brooks, Buskey, Butler, Carothers, Casey, Clark, Clikas, Coleman, Cosby, Crow, Davis, Faulk, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hammett, Harper, Hettinger, Holley, Howard, Johnson (AL), Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lewis, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Murphy, Nevett, Newman, Nicholson, Payne, Poole, Preuitt, Rains, Rice, Richardson, Scott, Smith, Starkey, Starr, Stout, Trammell, Tucker, Turner, Venable, White (F), White (L), Williams and Wilson.

—70

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Waggoner, the rules were suspended in order to take up out of order the bill, H. 523.

And the bill:

H. 523. (With Amendment): To authorize local city and county boards of education to establish reasonable compensation plans for members.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Government, said committee amendment being as follows:

Amend H. B. 523 on Page 1, Section 1 (A), line 21 after the word "members" by striking the period and adding the following: at the board's

annual meeting.

And the amendment was adopted.

Yeas 74; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Blake, Blakeney, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Carothers, Casey, Clark, Clikas, Coleman, Cosby, Crow, Davis, Dutton, Faulk, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hammett, Hettinger, Holley, Johnson (AL), Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Layton, Lewis, McKee, McMillan, Manley, Martin, Mathis, Minus, Mitchell, Murphy, Nevett, Newman, Nicholson, Owens, Payne, Penry, Poole, Preuitt, Rains, Rice, Richardson, Rogers, Scott, Smith, Starkey, Starr, Stout, Trammell, Tucker, Turner, Venable, Waggoner, White (F), White (L) and Wilson.

—74

MOTION TO TEMPORARILY POSTPONE

On motion of Rep. Waggoner, further consideration of the bill, H. 523 as amended, was temporarily postponed.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Bowling, the rules were suspended in order to take up out of order the bill, H. 612.

And the bill:

H. 612. To provide further for the Alabama Housing Finance Authority; to amend Section 24-1A-4 of the Code of Alabama 1975, relating to the membership and appointments of the authority so as to increase the membership and to provide further as to qualifications and terms of members; and to amend Section 24-1A-9 of the Code of Alabama 1975, which limits the period for the issuance of bonds.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 71; Nay 0.

Yeas:

Mr. Speaker, Ashley, Bennett, Blake, Bowling, Box, Brakefield, Browder, Bryant, Buskey, Butler, Carothers, Casey, Clark, Clikas, Coleman, Cosby, Crow, Davis, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hammett, Harper, Hettinger, Holley, Johnson (AL), Johnson (Roy), Junkins, Kennedy, Kvalheim, Langford, Layton, Lewis, McKee, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Turner, Venable, Warren, White (F), White (L), Williams, Wilson and Wright.

—71

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Venable, the rules were suspended in order to take up out of order the bill, H. 154.

And the bill:

H. 154. (With Substitute): To establish a procedure for the filling of vacancies in the state merit system by certain employees who are terminated from employment by means of a lay off.

Was taken up.

S. 40 SUBSTITUTED FOR H. 154.

On motion of Rep. Venable, the bill, S. 40, was substituted for the bill, H. 154.

Yeas 72; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Blake, Blakeney, Bowling, Box, Bryant, Buskey, Butler, Clark, Clikas, Coleman, Crow, Davis, Escott, Faulk, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hammett, Hettinger, Holley, Horn, Johnson (AL), Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Layton, McKee, McMillan, Manley, Martin, Mathis, Melton, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Scott, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Turner, Venable, Warren, White (L), Williams, Wilson and Wright.

—72

And the bill:

S. 40. To establish a procedure for the filling of vacancies in the state merit system by certain employees who are terminated from employment by means of a lay off.

Was read a third time at length and passed.

Yeas 75; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Blake, Blakeney, Bowling, Box, Bryant, Buskey, Butler, Casey, Clark, Clikas, Coleman, Cosby, Crow, Davis, Faulk, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hammett, Hettinger, Holley, Horn, Howard, Johnson (AL), Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Penry, Poole, Preuitt, Rains, Rice, Richardson, Rogers, Scott, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Turner, Venable, Waggoner, Warren, White (L), Wilson and Wright.

—75

H. 154 INDEFINITELY POSTPONED

On motion of Rep. Venable, the bill, H. 154, was indefinitely postponed.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Coleman, the rules were suspended in order to take up out of order the bill, S. 389.

And the bill:

S. 389. To provide further for the Alabama Housing Finance Authority; to amend Section 24-1A-4 of the Code of Alabama 1975, relating to the membership and appointments of the authority so as to increase the membership and to provide further as to qualifications and terms of members; and to amend Section 24-1A-9 of the Code of Alabama 1975, which limits the period for the issuance of bonds.

Was read a third time at length and passed.

Yeas 79; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Blake, Bowling, Box, Browder, Bryant, Buskey, Butler, Carothers, Casey, Clark, Clikas, Coleman, Cosby, Crow, Dutton, Escott, Faulk, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hammett, Harper, Hettinger, Holley, Horn, Howard, Johnson (AL), Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, McKee, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Scott, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Turner, Venable, Waggoner, Warren, White (L), Wilson and Wright.

—79

RESOLUTION

The following resolution was introduced:

By Rep. Kennedy:

H. J. R. 373 COMMENDING THE STATE STREET AFRICAN METHODIST EPISCOPAL ZION CHURCH OF MOBILE, ALABAMA, 1820-1983; FOR 163 YEARS, THE LORD'S HOLY TEMPLE.

WHEREAS, established in 1820, the State Street African Methodist Episcopal Zion Church of Mobile, Alabama, continues to build its future on its glorious heritage; and

WHEREAS, the Church's 163rd Anniversary Celebration was observed during the week of June 17-24, 1983, beginning with a Family and Friends Banquet, continuing with a special Anniversary Celebration and cuiminating in a series of Worship Services; and

WHEREAS, the State Street AME Zion Church is an imposing structure which was built in 1854 to the Glory of God, replacing the former church which was destroyed by fire, it stands as a monument to the faith of its founders, its congregations, its ministers and other notable leaders from past through present time; and

WHEREAS, its current minister is the Reverend William Lloyd Burton, Jr., who is the 29th in a long roster of illustrious pastors who have filled the pulpit and tended the flocks of State Street AME Zion Church; and

WHEREAS, registered as a significant landmark by the Alabama Historical Commission in 1977, State Street AME Zion Church is indeed a part of our state's history and heritage and is a beacon of light which has shone brightly for more than one and one-half centuries; and

WHEREAS, joining in celebration, and with words to reaffirm faith through future service, were Senior and Presiding Bishop and Mrs. William M. Smith; the Reverend Thomas G. Gill, Presiding Elder, West Alabama

Conference; and numerous others who sent greetings and messages on this auspicious occasion; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly praise and commend the State Street African Methodist Episcopal Zion Church of Mobile, Alabama, on the occasion of the 163rd Anniversary of its founding and direct that copies of this resolution be provided for appropriate church display and for distribution to the Minister and leaders of the State Street AME Zion Church.

On motion of Rep. Kennedy, the rules were suspended and the resolution, H. J. R. 373, was adopted.

SPECIAL ORDER RESUMED

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Brakefield, the rules were suspended in order to take up out of order the bill, H. 516.

And the bill:

H. 516. To amend Section 36-25-9, Code of Alabama 1975, which provides for service on regulatory boards regulating business with which the member of the board is associated, so as to provide further for such service.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 69; Nays 1.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Blake, Box, Brooks, Browder, Bryant, Butler, Casey, Clark, Clikas, Coleman, Crow, Davis, Dutton, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hammett, Harper, Holley, Horn, Howard, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Lewis, Manley, Martin, Melton, Mitchell, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Scott, Smith, Starkey, Stout, Thomas, Thornton, Trammell, Turner, Venable, Warren, White (F), White (L), Williams, Wright and Zoghby.

—69

Nay: Rep. Faulk. —1

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Turner, the rules were suspended in order to take up out of order the bill, H. 638.

And the bill:

H. 638. Relating to Mobile and Baldwin Counties; to further define the boundary between said counties and the southern boundaries of each of said counties.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 77; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Blake, Blakeney, Box, Brooks, Browder, Bryant, Butler, Casey, Clark, Clikas, Cosby, Crow, Dutton, Escott, Faulk, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hammett, Harper, Hettinger, Holley, Horn, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Mathis, Melton, Mitchell, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Rains, Reed, Rice, Richardson, Rogers, Scott, Smith Starkey, Starr, Thomas, Thornton, Trammell, Turner, Venable, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

—77

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Brooks, the rules were suspended in order to take up out of order the bill, H. 630.

And the bill:

H. 630. (With Substitute): To amend Section 32-5-215, Code of Alabama 1975, which provides for windshields on motor vehicles, so as to prohibit the use of tinted or obstructed windshields.

Was taken up.

SUBSTITUTE OFFERED

Rep. Brooks offered a substitute to the bill, H. 630 and to the pending substitute reported by the Standing Committee on Highway Safety, said substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To amend Section 32-5-215, Code of Alabama 1975, which provides for windshields on motor vehicles, so as to prohibit the use of tinted or obstructed windshields.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 32-5-215, Code of Alabama 1975, is hereby amended to read as follows:

"§ 32-5-215. (a) No person shall drive any motor vehicle with any sign, poster or other nontransparent material upon the front windshield, sidewings or side or rear windows of such vehicle which obstructs the driver's clear view of the highway or any intersecting highway.

"(b) The windshield on every motor vehicle shall be equipped with a device for cleaning rain, snow or other moisture from the windshield, which device shall be so constructed as to be controlled or operated by the driver of the vehicle.

"(c) Every windshield wiper upon a motor vehicle shall be maintained in good working order.

"(d) No person shall operate a motor vehicle which has a windshield, sidewing or rear window which has tinting to the extent or manufactured in such a way that occupants of the vehicle cannot be easily identified or rec-

ognized through the sidewing or rear windows from outside the motor vehicle.

"(e) The provisions of this act shall not apply to the manufactured tinting of windshields of motor vehicles or to certificates of identification, decals or other papers required by law to be displayed on such windshield or windows."

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. The provisions of this act are severable. If any act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 90; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Bryant, Buskey, Butler, Carothers, Casey, Clark, Clikas, Coleman, Cosby, Davis, Drinkard, Dutton, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hammett, Harper, Hettinger, Holley, Holmes, Horn, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Scott, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turner, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

—90

And the bill, H. 630, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 82; Nays 7.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Carothers, Carter, Casey, Clark, Clikas, Coleman, Cosby, Crow, Faulk, Flowers, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hammett, Harper, Holley, Holmes, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rice, Richardson, Sasser, Scott, Smith, Starkey, Starr, Thomas, Thornton, Trammell, Tucker, Turner, Turnham, Venable, Warren, White (F), White (L), Williams, Wright and Zoghby.

—82

Nays: Reps.: Davis, Escott, Horn, Nevett, Rains, Reed and Rogers. —7

CO-SPONSORS ADDED

The following were added as co-sponsors to the bill, H. 630:

Mr. Speaker, Adams, Bennett, Blakeney, Bowling, Box, Brakefield, Browder, Buskey, Butler, Carothers, Clark, Coleman, Cosby, Faulk, Flowers, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hammett, Harper, Holley, Johnson (A.L.), Johnson (Roy), Junkins, Kvalheim, Lauderdale, Layton, McKee, McMillan, Martin, Mathis, Mitchell, Moore, Murphy, Newman, Nicholson, Owens, Payne, Penry, Poole, Preuitt, Rice, Richardson, Sasser, Scott, Smith, Starkey, Starr, Thomas, Trammell, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wright and Zoghby.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolution, to-wit:

H. J. R. 364 COMMENDING THE ENTERPRISE RESCUE SQUAD.

And finds same correctly enrolled.

JOHN S. CASEY,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolution, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

SPECIAL ORDER RESUMED

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Casey, the rules were suspended in order to take up out of order the bill, H. 826.

And the bill:

H. 826. To make an absolute appropriation from the State General fund out of funds now or to become available to the named recipients in the amount indicated for the fiscal year ending September 30, 1983.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 90; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Casey, Clark, Clikas, Coleman, Cosby, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Ford, Gaston, Goodwin, Grimsley, Grouby, Hammett, Harper, Holley, Holmes, Horn, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton,

McKee, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Smith, Starkey, Starr, Stout, Thomas, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

—90

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Turnham, the rules were suspended in order to take up out of order the bill, H. 233.

And the bill:

H. 233. Relating to the Alabama Uniform Certificate of Title and Antitheft Act; to amend Section 32-8-41, Code of Alabama 1975, so as to eliminate the requirement of the state department of revenue to issue a nontransferable duplicate certificate of title for mailing to the owner to serve as a permit for the operation of a motor vehicle; and to amend Section 32-8-38, Code of Alabama 1975, so as to provide that the owner's permit copy of the application for certificate of title be retained by the owner as a nonnegotiable document as evidence of ownership and as a permit for the operation of a motor vehicle in order to eliminate the use of a form that duplicates the effects of another form.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 91; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Bryant, Buskey, Butler, Clark, Clikas, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hammett, Harper, Hettinger, Holley, Holmes, Horn, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Smith Starkey, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

—91

H. 523 AGAIN TAKEN UP

And the bill, H. 523 as amended, which was previously temporarily postponed, was again taken up.

AMENDMENT OFFERED

Rep. Waggoner offered the following amendment to the bill, H. 523 as amended:

Amend House Bill 523, page 1, line 20, after the word "exceed" by striking ~~$500 per month~~, and inserting in lieu thereof the following: $300 per month, unless set at a higher figure by a local act,

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 57; Nays 1.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Blake, Blakeney, Box, Brakefield, Brooks, Bryant, Buskey, Carothers, Clark, Clikas, Coleman, Crow, Davis, Faulk, Freeman, Gaston, Hammett, Harper, Hettinger, Holley, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Lauderdale, Layton, Lewis, Manley, Martin, Mathis, Melton, Moore, Murphy, Newman, Owens, Poole, Sasser, Scott, Smith Starkey, Starr, Stout, Thornton, Trammell, Tucker, Turnham, Waggoner, White (F), White (L), Williams, Wright and Zoghby.

—57

Nay: Rep. Rains. —1

And the bill, H. 523, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 76; Nays 3.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Blake, Blakeney, Box, Brakefield, Brooks, Bryant, Buskey, Butler, Carothers, Casey, Clark, Clikas, Coleman, Cosby, Crow, Davis, Escott, Faulk, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hammett, Harper, Hettinger, Holmes, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, Martin, Mathis, Melton, Mitchell, Moore, Murphy, Nevett, Newman, Owens, Payne, Preuitt, Reed, Rice, Sasser, Scott, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

—76

Nays: Reps.: Holley, Manley and Minus. —3

RESOLUTION

The following resolution was introduced:

By Rep. Zoghby:

H. R. 374. REQUESTING AN ADVISORY OPINION OF THE JUSTICES OF THE SUPREME COURT RELATIVE TO H.B. 698 OF THE 1983 REGULAR SESSION.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, That we do respectfully request the Honorable Chief Justice and Associate Justices of the Supreme Court, or a majority of them, to give this body their written opinions of the following important Constitutional questions which have arisen concerning the pending H.B. 698 of the 1983 Regular Session, which bill pertains, *inter alia*, to any Class 2 municipality and provides for a referendum on the question of adoption of a mayor-council form of government or a council-manager form of government. It establishes in the alternative said forms of government and provides for penalties for violations of certain provisions. Said bill has been amended several times. Copies of said bill, as advertised and intro-

duced, with amendments, are attached to this resolution and made a part hereof by reference.

1. Would the amendments to said H.B. 698 that have been adopted and proposed be violative of Section 106 and Amendment No. 396 of the Constitution of Alabama of 1901 and Section 11-40-13 of the Code of Alabama 1975, requiring advertisement of bills relating to certain classified municipalities under Section 11-40-12?

RESOLVED FURTHER, That the Clerk of the House is hereby directed to send sufficient copies of the pending H.B. 698, with amendments, to the Clerk of the Supreme Court of Alabama and to transmit this request to the Justices of the Supreme Court forthwith upon adoption of this Resolution.

On motion of Rep. Zoghby, the rules were suspended and the resolution, H. R. 374, was adopted.

SPECIAL ORDER RESUMED

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Bennett, the rules were suspended in order to take up out of order the bill, H. 344.

And the bill: H. 344. (With Substitute): To repeal Sections 16-10-1, 16-10-2, 16-10-3, 16-10-4, 16-10-7, 16-10-8, 16-10-9 and 16-10-10, Code of Alabama, 1975, and to amend Sections 16-10-5 and 16-10-11, Code of Alabama, 1975, so as to abolish the office of school trustees.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Education, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To amend Section 16-10-1, Code of Alabama, 1975, so as to eliminate the requirement that local school trustees must be appointed by the county board of education.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 16-10-1, Code of Alabama, 1975, shall be and hereby is amended to read as follows:

"Section 16-10-1. Qualifications and selection of trustees. The county board of education ~~shall~~ may appoint for every school in the county, from a list of six discreet, competent and reliable persons of mature years nominated by the patrons of the said schools, which list shall be kept on file by the board, three persons residing near the schoolhouse and having the respect and confidence of the community to serve for a term of four years as trustees of the school, to care for the property, to look after the general interest of the school and to make to the county board of education, through the county superintendent of education, from time to time, report of the progress and needs of the school and of the will of the people in regard to the school. The board of education, should it decide to appoint school trustees, shall fill all vacancies occurring in the office of trustee for the unexpired term from the list of nominees on file until the names on

such list are exhausted. The term "patrons" as used herein shall be construed to mean the parents and guardians of children in attendance at the school."

Section 2. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or is otherwise becoming law.

And the substitute was adopted.

Yeas 58; Nays 2.

Yeas:

Reps.: Ashley, Blakeney, Bowling, Brakefield, Browder, Bryant, Buskey, Carothers, Casey, Clark, Clikas, Coleman, Cosby, Crow, Davis, Escott, Gaston, Goodwin, Grimsley, Harper, Hettinger, Johnson (A.L.), Johnson (Roy), Junkins, Kvalheim, Langford, Lauderdale, Layton, McKee, Martin, Mathis, Minus, Mitchell, Moore, Nevett, Newman, Owens, Parker, Poole, Preuitt, Reed, Rice, Richardson, Rogers, Scott, Smith, Starkey, Starr, Thomas, Thornton, Trammell, Tucker, Venable, Waggoner, Warren, White (L), Williams and Wright.

—58

Nays: Reps.: Holley and Manley.

—2

And the bill:

H. 344. To amend Section 16-10-1, Code of Alabama, 1975, so as to eliminate the requirement that local school trustees must be appointed by the county board of education.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 66; Nays 9.

Yeas:

Reps.: Adams, Ashley, Bennett, Blake, Blakeney, Box, Brooks, Browder, Bryant, Buskey, Butler, Carothers, Casey, Clark, Clikas, Coleman, Cosby, Crow, Escott, Faulk, Ford, Gaston, Goodwin, Grimsley, Hettinger, Johnson (A.L.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Martin, Mathis, Melton, Minus, Nevett, Newman, Owens, Parker, Penry, Poole, Preuitt, Rains, Reed, Richardson, Rogers, Scott, Smith Starkey, Starr, Thomas, Thornton, Trammell, Tucker, Turner, Venable, Waggoner, Warren, White (L), Williams and Wright.

—66

Nays: Mr. Speaker, Hammett, Harper, Holley, Johnson (R.G.), Manley, Moore, Murphy and Stout. —9

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Kennedy, the rules were suspended in order to take up out of order the bill, H. 697.

And the bill:

H. 697. (With Amendment): To re-open the State of Alabama Retirement Systems for certain military service; to provide that as a prerequisite to obtaining such credit, said members must be an active and contributing member of one of the State of Alabama Retirement Systems; and to provide for its termination.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

Amend H.B. 697 on page 1, Section 1, line 30 by adding after the word "system," the following:

and who has a vested right to service retirement,

Further amend on page 1, line 32 after the word "service." by striking the period and adding the following:

, provided said member is not receiving service retirement benefits on account of said military service, and further provided that said member was honorably discharged from the armed services.

Further amend on page 2, line 7 by adding after the word "member" the words and employer

Further amend on page 2, line 8 by deleting the line in its entirety and inserting the following new line:

paid in equal monthly installments, provided the period of payment shall not exceed the total length of service purchased.

Further amend on page 2, line 13 by inserting after the word "interest" the language of 8%

Further amend on page 2, line 19 by inserting after the figure "1985." the following:

, provided any member electing monthly installments may continue said monthly installments to the extent provided in Section 2.

And the amendment was adopted.

Yeas 75; Nays 0.

Yeas:

Reps.: Adams, Ashley, Bennett, Blake, Blakeney, Bowling, Box, Bryant, Buskey, Butler, Carothers, Casey, Clark, Clikas, Coleman, Cosby, Davis, Dutton, Escott, Faulk, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Hettinger, Horn, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Langford, Lauderdale, Layton, Lewis, McMillan, Mathis Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Smith, Starkey, Starr, Thomas, Thornton, Trammell, Tucker, Turner, Warren, White (F), Williams, Wilson and Zoghby.

—75

CO-SPONSOR ADDED

Rep. Gaston was added as co-sponsor to the bill, H. 697.

And the bill, H. 697, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 77; Nays 0.

Yeas:

Reps.: Ashley, Bennett, Blake, Blakeney, Bowling, Box, Bryant, Buskey, Butler, Carothers, Casey, Clark, Clikas, Coleman, Cosby, Davis, Dutton, Escott, Faulk, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hammett, Harper, Hettinger, Holley, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Rice, Richardson, Rogers, Sasser, Scott, Smith, Starkey, Starr, Thomas, Thornton, Trammell, Tucker, Turner, Turnham, Venable, Warren, White (F), Williams, Wilson and Zoghby.

—77

CO-SPONSORS ADDED

The following were added as co-sponsors to the bill, H. 697:

Reps.: Blakeney, Bowling, Bryant, Buskey, Clark, Coleman, Davis, Escott, Ford, Gaston, Grouby, Hall, Horn, Johnson (Roy), Junkins, Kvalheim, Langford, Lauderdale, Layton, McMillan, Mathis, Melton, Nevett, Newman, Penry, Poole, Preuitt, Rains, Rice, Richardson, Rogers, Smith, Starkey, Thomas, Trammell, Turner, Warren, White (F) and Zoghby.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Browder, the rules were suspended in order to take up out of order the bill, H. 480.

And the bill:

H. 480. To amend Sections 15-18-69 and 15-18-71 of the Code of Alabama 1975, as amended, relating to restitution criteria and procedures so as to provide that the District Attorney may represent the victim in judicial proceedings concerning restitution; to provide further that the burden of proof at the restitution hearing be on the party claiming restitution by a preponderance of the evidence; to provide further that the defendant, the District Attorney, or the victim have the right to appeal a restitution order without affecting the conviction or any other aspect of sentencing; and to provide further that the Director of the Department of Corrections adopt and promulgate rules relating to restitution by convicts.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 80; Nays 0.

Yeas:

Reps.: Adams, Ashley, Bennett, Blake, Blakeney, Bowling, Brooks, Bryant, Carothers, Casey, Clark, Clikas, Coleman, Cosby, Davis, Dutton, Faulk, Flowers, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hammett, Harper, Hettinger, Holley, Holmes, Horn, Johnson (A.L.), Johnson (R.G.), Johnson

(Roy), Junkins, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Newman, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson and Zoghby.

—80

CO-SPONSORS ADDED

Reps. Gaston and Kvalheim were added as co-sponsors to the bill, H. 480.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Thornton, the rules were suspended in order to take up out of order the bill, H. 661.

CO-SPONSORS ADDED

Reps. Grouby, Turnham and Rains were added as co-sponsors to the bill, H. 661.

And the bill:

H. 661. To amend sections 11-91-1 through 11-91-5 and 11-91-7, Code of Alabama 1975, relating to group life, health and accident insurance plans for officers and employees of municipalities and counties, so as to clarify which officers and employees should be included in such insurance plans; to supersede Act No. 716, H. 1342, 1977 Regular Session (Acts 1977, p. 1258) relating to hospitalization insurance for certain retired employees of municipalities having populations of 250,000 or more; and to repeal all laws or parts of laws in conflict herewith.

Was taken up.

SUBSTITUTE OFFERED

Rep. Layton offered the following substitute to the bill, H. 661:

A BILL
TO BE ENTITLED
AN ACT

To amend sections 11-91-1 through 11-91-7, Code of Alabama 1975, relating to group life, health and accident insurance plans for officers and employees of municipalities and counties, so as to clarify which officers and employees and their dependents and their dependent survivors or any of them or all of them should be included in such insurance plans; to supersede Act No. 716, H. 1342, 1977 Regular Session (Acts 1977, p. 1258) relating to hospitalization insurance for certain retired employees of municipalities having populations of 250,000 or more; and to repeal all laws or parts of laws in conflict herewith.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 11-91-1 through 11-91-7, Code of Alabama 1975, are hereby amended to read as follows:

§ 11-91-1.

"(a) The council, commission or similar governing body of each munici-

pal corporation, the board of directors of each incorporated municipal board, the county commission of each county, the board of education of each city, and the board of education for each county, now existing or established after August 16, 1947, shall have power and authority to contract for and obtain and maintain policies of group life, health, accident and hospitalization insurance or any one or more of them and shall have power and authority to contract for and obtain and maintain individual annuity contracts, retirement income policies or group annuity contracts to provide a retirement plan for the benefit of such of the officers and employees of such municipality, incorporated municipal board, county or board as may be determined by such governing body and as shall or may elect to accept the same and who may have authorized in writing such governing body to make deductions from their compensation or retirement benefits to pay premiums on any such policy or policies if such premiums are payable in whole or in part by such officer or employee.

"(b) The term "insurance" as used in this chapter includes the term "annuity," and the terms "self-insurance policy", and "self-insurance program" and the term "policy" includes the term "contract".

"(c) The terms "officers" and "employees" as used in this chapter include the terms "dependents," meaning the dependents of said officers or employees and "dependent survivors", meaning the dependent survivors of said officers or employees and shall also include the term "active or retired officers" and "active or retired employees", and "retired employees regardless of age or retired officers regardless of age" or "any of them" "or all of them" authorized.

"(d) The term "dependent" as used in this chapter may have the same definition as used in the United States Internal Revenue Code as published and used as of July 1, 1983, however, the term "dependent" shall not be restricted to that definition, but may include "any of those named therein" or "all of those named therein" authorized.

§ 11-91-2.

"(a) All such governing bodies shall have authority to contract for and purchase any or all such policies of insurance from any insurer or insurers admitted to transact the business of such insurance in the State of Alabama, and the governing bodies of all state colleges and universities shall have, in addition to powers previously granted, the authority to contract for and purchase any or all of such policies of insurance from any nonprofit corporation organized and operated without profit to any private shareholder or individual exclusively for the purpose of aiding or strengthening educational institutions by issuing insurance and annuity contracts only to or for the benefit of such institutions and individuals engaged in the services of such institutions.

"(b) The amounts of insurance under any such policy must be based upon some plan precluding individual selection either by such officers and employees or by the governing body.

"(c) The coverage of any such policy may be limited to specified classes of officers and employees determined by conditions pertaining to employment but there shall be no discrimination within any such specified class.

§11-91-3.

It is hereby declared to be the intent of the legislature that this chapter shall be permissive and shall not be restrictive except that there shall be no

discrimination within any specified classes as provided in Section 11-91-2 (c) of this Chapter, it is also declared to be the intent of the legislature that any such governing bodies shall have the power and authority to determine in their sole discretion the class of classes of officers or employees who are to be insured under any such policy or policies, the amount, nature and kind of insurance upon each such officer and employee and class thereof and whether the premium therefor shall be paid in whole or in part by such governing bodies and, if in part, the amount thereof that will be so paid.

§11-91-4.

Such governing bodies shall have authority to pay all or such part of the premium for such insurance as such governing bodies shall determine out of any available funds and to deduct that part of the premium, if any, which is to be paid by such officer or employee from the salary or wage or the retirement benefits of such officer or employee as may be authorized by him and to pay such deductions together with the remainder of such premium to the insurer issuing such policy in full payment of the premium.

§11-91-5.

"In the event there is a return of premium by any insurance company or by any self-funded program under any such insurance contract, such return shall be made to the governing body and to the contributing officer or employee in the exact proportion in which they originally paid said premiums.

§11-91-6.

"Any such governing bodies may appropriate sufficient funds to carry out the provisions of this chapter.

§11-91-7.

"All contracts and policies of group life, health, accident and hospitalization insurance or any one or more of them which have been issued prior to August 16, 1947, to any municipal corporation, county, city or county board of education or any state agency or institution of education, learning, training or correction or for the delinquent, insane, sick, deaf, dumb, blind, needy, juvenile or aged for the benefit of its officers and employees or any portion of them are hereby ratified, confirmed, approved and validated."

"All acts done and all premiums paid by any such municipal corporation, county, board, agency or institution in accordance with the terms of any such contract or policy are hereby ratified, confirmed, approved and validated."

Section 2. The provisions of this amendatory act shall supersede the provisions of Act No. 716, H. 1342, 1977 Regular Session (Acts 1977, p. 1258).

Section 3. All laws or parts of laws whether general, local or special, in conflict with any part of this act are hereby repealed to the extent of any such conflict.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 84; Nays 0.

Yeas:

Mr. Speaker, Adams, Blake, Blakeney, Brooks, Bryant, Buskey, Butler, Carothers, Casey, Clark, Clikas, Coleman, Cosby, Crow, Davis, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Hettinger, Holmes, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Payne, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turner, Turnham, Waggoner, Warren, White (F), White (L), Williams, Wilson and Zoghby.

—84

And the bill:

H. 661. To amend sections 11-91-1 through 11-91-7, Code of Alabama 1975, relating to group life, health and accident insurance plans for officers and employees of municipalities and counties, so as to clarify which officers and employees and their dependents and their dependent survivors or any of them or all of them should be included in such insurance plans; to supersede Act No. 716, H. 1342, 1977 Regular Session (Acts 1977, p. 1258) relating to hospitalization insurance for certain retired employees of municipalities having populations of 250,000 or more; and to repeal all laws or parts of laws in conflict herewith.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 81; Nays 2.

Yeas:

Mr. Speaker, Ashley, Blake, Blakeney, Brooks, Browder, Bryant, Buskey, Butler, Carothers, Casey, Clark, Clikas, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kvalheim, Langford, Lauderdale, Layton, Lewis, Martin, Mathis, Melton, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Smith, Starkey, Starr, Stout, Thomas, Trammell, Tucker, Turner, Turnham, Venable, Warren, White (L), Williams, Wilson and Zoghby.

—81

Nays: Reps. Manley and Minus.

—2

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Buskey, the rules were suspended in order to take up out of order the bill, H. 152.

And the bill:

H. 152. (With Substitute): To amend Sections 26-10-4 and 26-10-5, Code of Alabama 1975, relating to adoptions, so as to provide that an adult adoptee shall be permitted to view adoption records only after receiving a court order permitting such viewing.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Judiciary, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To amend Section 26-10-4, Code of Alabama 1975, relating to adoptions, so as to further regulate the opening by the state registrar of vital statistics of the sealed package, on file in his office, containing the original certificate of birth with the decree of the court, upon demand of an adopted child who has attained his majority or upon demand of the adopting parents.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 26-10-4, Code of Alabama 1975, is hereby amended to read as follows:

"§ 26-10-4.

"Except as provided in Section 26-10-1, if the court is satisfied that the natural parents have just cause for desiring to be relieved of the care, support and guardianship of said child, or have abandoned the child, or are morally unfit to retain its custody, that the petitioning ~~foster~~ prospective adopting parent or parents is or are financially able and morally fit to have the care, supervision and training of such child, that such child is suitable for adoption in a private family home and that such change of name and guardianship is for the best interest of such child, it shall make an interlocutory order setting forth the facts and declaring that from the date of the final order of adoption in such case, if such final order be afterwards entered as provided in this section, such child, to all legal intents and purposes, will be the child of the petitioner or petitioners and that its name may be thereby changed. Except as provided in Section 26-10-1, such final order of adoption shall not be granted until the child shall have lived for six months in the home of the petitioner subsequent to the issuance of the interlocutory order and shall have been visited during the said period at least two times by an agent of the state department of pensions and security or its duly authorized agents as provided in this chapter.

"At any time before the entry of such final order of adoption, the court may revoke its interlocutory order for good cause, either of its own motion or on the motion of the said department or its duly authorized agents as provided in this chapter, or on the motion of the natural parent or parents of such child or on the motion of the original petitioner or petitioners, but no such revocation shall be entered unless 10 days' notice in writing shall have been given to the original petitioner or petitioners (unless he or they make the motion), or unless the original petitioner or petitioners shall have been given an opportunity to be heard.

"Within 10 days of the entry of the final order of adoption the judge or the clerk of the court shall send a copy of the final order to the state department of pensions and security and shall send a certificate of the final order of adoption to the state register of vital statistics of the state board of health upon the form supplied by the state registrar for that purpose.

"Upon receipt of copy of any final order of adoption the state registrar of vital statistics shall cause to be made a new record of the birth in the new

name and with the name or names of the adopting parent or parents as contained in the final decree. He shall then cause to be sealed and filed the original certificate of birth with the decree of the court and such sealed package shall be opened only upon the demand of said child ~~when~~ after he has attained his majority or the adopting parents after said child has attained his majority, or by the order of a court of record having jurisdiction; except that if said child at the time of his adoption was under the legal guardianship and permanent custody of the state department of pensions and security, or of a licensed child-placing agency, by previous order of a court having jurisdiction, and if the state department of pensions and security or the said licensed child-placing agency gave consent for the adoption, the said sealed package shall not be opened upon the demand of the said child either before or after he has attained his majority or upon the demand of the adopting parents either before or after the said child has attained his majority, unless and until the natural parent or parents give written consent and such written consent is filed with the state registrar of vital statistics.

"If the demand that the said sealed package be opened is made by the said child after he has attained his majority, or by the adopting parents after the said child has attained his majority, the state registrar of vital statistics shall: (1) ask the state department of pensions and security to determine whether or not the consent for the adoption was given either by the said department or by a licensed child-placing agency; and (2) if so, ask the state department of pensions and security to make reasonable efforts to obtain the said written consent.

"Thereupon, if consent for adoption was given by the state department of pensions and security, the said department shall make reasonable efforts to obtain the said written consent from the natural parent or parents; or if consent for adoption was given by a licensed child-placing agency, the state department of pensions and security shall make reasonable efforts to obtain the said written consent through the said licensed child-placing agency. Upon receipt of the said written consent signed by the natural parent or parents, the state department of pensions and security shall file the said written consent with the state registrar of vital statistics."

Section 2. The provisions of this Act are severable. If any part is held invalid, such invalidity shall not affect other provisions which can be given effect without the invalid provisions.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 61; Nays 0.

Yeas:

Mr. Speaker, Ashley, Bennett, Blake, Blakeney, Buskey, Butler, Carothers, Casey, Clark, Coleman, Cosby, Davis, Escott, Faulk, Freeman, Gaston, Goodwin, Hall, Hettinger, Holley, Holmes, Johnson (A.L.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Langford, Lauderdale, Layton, McKee, McMillan, Martin, Mathis, Melton, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Payne, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Scott, Smith, Starkey, Stout, Thomas, Thornton, Trammell, Tucker, Turner, Warren, White (L) and Zoghby.

—61

CO-SPONSOR ADDED

Rep. Rogers was added as co-sponsor to the bill, H. 152.

And the bill:

H. 152. To amend Section 26-10-4, Code of Alabama 1975, relating to adoptions, so as to further regulate the opening by the state registrar of vital statistics of the sealed package, on file in his office, containing the original certificate of birth with the decree of the court, upon demand of an adopted child who has attained his majority or upon demand of the adopting parents.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 71; nays 0.

Yeas:

Mr. Speaker, Ashley, Bennett, Blake, Blakeney, Brooks, Bryant, Buskey, Butler, Carothers, Clark, Clikas, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Freeman, Gaston, Goodwin, Grimsley, Hall, Harper, Hettinger, Holley, Horn, Johnson (A.L.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Langford, Lauderdale, Layton, McKee, McMillan, Manley, Martin, Mathis, Melton, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Payne, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Scott, Smith, Starkey, Stout, Thomas, Thornton, Trammell, Tucker, Turner, Waggoner, Warren, White (L), Williams, Wright and Zoghby.

—71

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Langford, the rules were suspended in order to take up out of order the bill, H. 278.

And the bill:

H. 278. To amend Section 41-16-55, Code of Alabama 1975, which relates to penalties for violations of the state bid law on public contracts, so as to provide that a person who intentionally and knowingly participates in an agreement to bid at a certain price or to refrain from bidding on bids of over $2,000.00, is guilty of a Class C felony and shall be punished as prescribed by law and that other violations of this section involving bids of $2,000.00 or under shall be deemed a Class A misdemeanor, and shall be punished as prescribed by law.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 78; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Blake, Box, Brooks, Bryant, Buskey, Butler, Casey, Clark, Clikas, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Gaston, Goodwin, Grouby, Hall, Harper, Hettinger, Holley, Holmes, Horn, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kvalheim, Langford, Lauderdale, Layton, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Parker, Payne, Penry, Poole, Preuitt, Rains, Rice, Richardson, Rogers, Sasser, Scott, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell,

Tucker, Turner, Turnham, Waggoner, Warren, White (L), Williams, Wilson, Wright and Zoghby.

—78

CO-SPONSORS ADDED

Reps. Turnham, Brooks and Payne were added as co-sponsors to the bill, H. 278.

PERMISSION GRANTED

Permission was granted for the Journal to show that Rep. Box would have voted "Yea" on the bill, H. 480, had he been present at the time of voting.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Freeman, the rules were suspended in order to take up out of order the bill, H. 347.

And the bill:

H. 347. (With Substitute) (With Amendment): To amend Section 13A-6-69, Code of Alabama 1975, which provides for the crime of enticing a child to enter a vehicle or house for immoral purposes, so as to provide further for said crime and to create the separate crime of child enticement.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Judiciary, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To amend Section 13A-6-69, Code of Alabama 1975, which provides for the crime of enticing a child to enter a vehicle or house for immoral purposes, so as to provide further for said crime and to create the separate crime of child enticement.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 13A-6-69, Code of Alabama 1975, is hereby amended to read as follows:

"§ 13A-6-69.

"(a) It shall be unlawful for any person with lascivious intent to entice, allure, persuade or invite, or attempt to entice, allure, persuade or invite, any child under 16 years of age to enter any vehicle, room, house, office or other place for the purpose of proposing to such child the performance of an act of sexual intercourse or an act which constitutes the offense of sodomy or for the purpose of proposing the fondling or feeling of the sexual or genital parts of such child or the breast of such child, or for the purpose of committing an aggravated assault on such child, or for the purpose of proposing that such child fondle or feel the sexual or genital parts of such person.

~~"Any person violating the provisions of this section shall, for the first violation, be punished by a fine of not to exceed $5,000.00 or by confinement for a term not to exceed five years, or by both fine and imprisonment;~~

~~and any person who shall be convicted for the second violation of this section shall be punished by confinement in the penitentiary for not less than two nor more than 10 years, and such person shall not be eligible for probation.~~

"(b) Evidence that a person has violated this section within the previous five years shall create a rebuttable presumption of the necessary intent.

"(c) Child enticement for immoral purposes is a Class C felony. any person convicted a second or subsequent time shall be ineligible for probation."

Section 2. (a) It shall be unlawful for any person to entice, allure, persuade or invite, or attempt to entice, allure, persuade or invite, any child under 12 years of age to enter any vehicle, room, house, office or other place when the parent or guardian or other person or institution having lawful control or custody of him has not consented thereto.

(b) Violation of this section is a Class A misdemeanor. Any person convicted a second or subsequent time shall be ineligible for probation.

(c) A person does not commit a crime under this section if:

(1) The child restrained is less than 12 years old, the person is a relative of the child, and the person's sole purpose is to assume lawful control of the child, or

(2) The person intends to protect the child from an immediate danger posed by the weather, other people, or animals and the person intends to immediately and without delay take the child to the proper governmental authorities or to the child's parents or guardians, or

(3) The person reasonably believes, because of his past friendship or acquaintance with the child's parents or guardian that they would have no objection to his conduct or actions and the person intends to take the child to his parents or guardians.

(d) The burden of injecting the issues provided in subsection (c) of this section is on the defendant, but does not shift the burden of proof.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 75; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Blake, Bowling, Box, Bryant, Buskey, Butler, Carothers, Casey, Clark, Clikas, Coleman, Crow, Davis, Dutton, Escott, Faulk, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Harper, Hettinger, Holley, Holmes, Johnson (A.L.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Mathis, Melton, Mitchell, Moore, Murphy, Nevett, Newman, Parker, Payne, Penry, Poole, Preuitt, Rains, Rice, Richardson, Rogers, Sasser, Scott, Smith, Starkey, Starr, Thomas, Thornton, Trammell, Tucker, Turner, Waggoner, Warren, Williams, Wright and Zoghby.

CO-SPONSORS ADDED

Reps. Kvalheim, Gaston, Murphy, Bennett, Rice and Rains were added as co-sponsors to the bill, H. 347.

The question was then on the adoption of the amendment reported by the Standing Committee on Judiciary, said committee amendment being as follows:

Amend House Judiciary Committee substitute for H.B. 347 Section 2 (c) (3), Page 3, line 11 by inserting after the word "the" and before the word "child's" the following:

child or

And the amendment was adopted.

Yeas 72; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Blake, Bowling, Box, Buskey, Butler, Carothers, Casey, Clark, Clikas, Coleman, Cosby, Crow, Davis, Dutton, Escott, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Harper, Hettinger, Holley, Holmes, Johnson (A.L.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Lauderdale, Layton, Lewis, McKee, McMillan, Martin, Mathis, Melton, Mitchell, Moore, Murphy, Newman, Payne, Penry, Poole, Preuitt, Rains, Rice, Richardson, Rogers, Sasser, Scott, Smith, Starkey, Starr, Stout, Thornton, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Warren, White (L), Williams, Wright and Zoghby.

—72

And the bill, H. 347, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 81; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Blake, Bowling, Box, Brooks, Bryant, Buskey, Butler, Casey, Clark, Clikas, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Harper, Hettinger, Holley, Holmes, Horn, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Mathis, Melton, Mitchell, Moore, Murphy, Newman, Nicholson, Payne, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Smith, Starkey, Starr, Thomas, Thornton, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Warren, White (L), Williams, Wilson, Wright and Zoghby.

—81

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Box, the rules were suspended in order to take up out of order the bill, S. 373.

And the bill:

S. 373. (With Substitute): The purpose of this bill is to amend Sections 12-16-34 and 12-16-37, Code of Alabama 1975, which sections relate to jury commissions, jury commission clerks, and clerical assistance; to provide

for their appointment, their compensation and to provide for the method by which claims shall be submitted to the State for payment; and to repeal all local laws and general bills of local application in conflict with the provisions in Article 2 of Title 12, Chapter 16, Code of Alabama 1975.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Judiciary, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

The purpose of this bill is to amend Sections 12-16-34 and 12-16-37, Code of Alabama 1975, which sections relate to jury commissions, jury commission clerks, and clerical assistance; to provide for their appointment, their compensation and to provide for the method by which claims shall be submitted to the State for payment; and to repeal all local laws and general bills of local application in conflict with the provisions in Article 2 of Title 12, Chapter 16, Code of Alabama 1975.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 12-16-34, Code of Alabama 1975, is hereby amended to read as follows:

"Section 12-16-34. Compensation of members.

(a) Upon written order of the presiding circuit judge, the jury commission shall meet on such days as are required to replenish the number of names in the trial court jury box and to perform such other necessary duties as are related thereto. Each member of the jury commission shall be paid the sum of $10.00 ~~per day~~ for ~~the time~~ each day he is actually engaged in the discharge of his duties pursuant to the order of the presiding circuit judge ~~as such member,~~. The president of each jury commission shall submit all claims for compensation for its members along with a copy of the order of the presiding circuit judge to the Administrative Director of Courts. Claims shall be submitted on such forms as may be prescribed by the Administrative Director of Courts, and, if approved, shall be processed and paid by the state ~~such sum to be paid by the state upon the certification of the circuit clerk that such services have been rendered.~~

(b) The compensation of each member of the commission shall not exceed for any year of his term the following amounts:

(1) In counties of 25,000 population or less, $200.00;

(2) In counties exceeding 25,000 and not exceeding 50,000 population, $500.00; ~~and~~

(3) In counties having a population of more than 50,000, but not more than 600,000, $600.00;~~ or the amount prescribed by local law or a general law of local application based on population, whichever is greater.~~ and

(4) In counties having a population of more than 600,000, $1,200.00.

Section 2. Section 12-16-37, Code of Alabama 1975, is hereby amended to read as follows:

"Section 12-16-37. Clerks of Commissions—Authority for employment Compensation;; Clerical Assistance.

(a) The clerk of the circuit court ~~in~~ counties having a population of 60,000 ~~population~~ or less according to the last federal census preceding ~~the employment~~, his election or appointment, may elect to serve as clerk of the jury commission; provided that notice of his intent to serve as clerk for the commission shall be filed in writing with the presiding circuit judge and the Administrative Director of Courts within 30 days after assuming the duties of clerk of the circuit court. Provided that the provisions of this section shall not prohibit any clerk of the circuit court who is on the effective date of this Act serving as clerk of the jury commission or clerk of any similar body established by local law to act in lieu of the jury commission, from serving as clerk of the jury commission as provided in this Article, regardless of the population of their respective counties; all provisions to the contrary in subsection (b) of this section notwithstanding. Provided further that on the effective date of this Act, any clerk of the circuit court who is serving as clerk of the jury commission or clerk of any similar body established by local law to act in lieu of the jury commission, shall continue to serve as clerk of the jury commission, unless and until notice of their intent not to serve in such capacity is filed with the presiding circuit judge and the Administrative Director of Courts. , ~~the clerk of the circuit court may be employed as the clerk of the jury commission, and, in such counties, the clerk of the jury commission, whether he is the clerk of the court or not, shall be paid for his services rendered under direction of the jury commission the sum of $10.00 per day while actually engaged in performing his duties, such sum to be paid by the state, provided, that such clerk of the jury commission shall not receive more than $600.00 as compensation for his services in any one year.~~

(b) In counties having a population of more than 60,000 ~~and less than 200,000 population~~ according to the last or any subsequent federal census and in all other counties where the clerk of the circuit court does not serve as clerk of the jury commission, the commission shall employ a clerk who shall serve at the pleasure of the commission subject, however, to the election of the clerk of the circuit court to serve in such capacity as provided in subsection (a) of this section. ~~hold no other office during the term of his employment and who shall be paid for his services rendered under the direction of the jury commission the sum of $10.00 per day while actually engaged in performing his duties, such sum to be paid by the state, provided, that the jury commission in such counties, with the approval of the administrative director of courts, shall have authority to employ such clerical assistance as is necessary and proper, and may expend for such clerical assistance in compensation and expenses a sum not to exceed $450.00 per month, or the amount prescribed by local law or a general law of local application based on population, heretofore enacted, whichever is greater.~~

(c) ~~In counties having more than 200,000 population according to the last or any subsequent federal census, the jury commission in such county shall have the authority to employ such clerical assistance as such commission deems necessary and proper and may expend for such clerical assistance in compensation and in paying their reasonable and necessary expense in performing the duties of their employment a sum not to exceed $450.00 per month to be paid by the state.~~ The clerk of the jury commission, whether he is the clerk of the court or not shall be paid for his services rendered under the direction of the president of the commission, the sum of $10.00 per day while actually engaged in performing his duties. All claims for services rendered by the clerk of the jury commission shall be submitted to the Administrative Office of Courts by the president of the commission on such forms as may be prescribed by the Administrative Director of

Courts. If approved, said claims shall be processed and paid by the state.

Section 3. If in any county there exists any board of similar body consisting of three appointed members or less which was established by local law to act in lieu of the jury commission as provided in this Article, such board or commission members may elect to automatically become members of the jury commission during the unexpired term of the Governor; provided, that such election shall be made in writing within thirty days of the effective date of this Act, and filed with the Secretary of State and the Administrative Director of Courts; provided further, that the provisions of this section shall apply only to those persons wishing to be members of the jury commission who meet all the qualifications as provided in Section 12-16-31.

Section 4. No full-time clerical employee of any jury commission or similar body established by local law to act in lieu of the jury commission shall be terminated from full-time employment as a result of the provisions of this Act. Provided further that any full-time clerical employee of any body which is acting in lieu of the jury commission shall, on the effective date of this Act, become the full-time employee of the jury commission of that respective county and shall be under the direction of said commission.

Section 5. All local laws and general bills of local application in conflict with or contrary to the provisions of Article 2 of Title 12, Chapter 16, Code of Alabama 1975, are hereby repealed, provided, however, that after the effective date of this Act, no jury commissioner appointed pursuant to Section 12-16-32, shall have his or her salary diminished during their current term of office and any county that is prior to the effective date of this Act, paying a salary supplement pursuant to a local law shall continue paying such supplement, but only during the remainder of the jury commissioners' present terms; and in no event shall any such local supplements be authorized after January 18, 1987. Provided further that the compensation for any circuit court clerk for services rendered as clerk of the jury commission or clerk of any similar body established by local law to act in lieu of the jury commission, shall not be reduced during their tenure as circuit clerk, so long as they serve as clerk of the jury commission.

Section 6. The provisions of this Act are severable. If any part of the Act is declared unconstitutional, such declaration shall not affect the part which remains.

Section 7. The provisions of this Act shall become effective 30 days after its passage and approval by the Governor, or after its otherwise becoming a law.

And the substitute was adopted.

Yeas 65; Nays 0.

Yeas:

Reps.: Ashley, Bennett, Blake, Bowling, Box, Brooks, Bryant, Buskey, Casey, Clikas, Coleman, Cosby, Davis, Faulk, Freeman, Gaston, Goodwin, Grimsley, Hall, Harper, Hettinger, Holley, Holmes, Horn, Johnson (A.L.), Johnson (Roy), Kennedy, Kvalheim, Langford, Lauderdale, Layton, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus, Moore, Nicholson, Owens, Penry, Poole, Rains, Reed, Rice, Richardson, Rogers, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turner, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

—65

AMENDMENT OFFERED

Rep. Wilson offered the following amendment to the bill, S. 373 as amended:

Amend Senate Bill No. 373 as substituted Page 1 Line 27, by inserting after the word "Judge," the following:

"or his designee."

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 76; Nays 0.

Yeas:

Reps.: Ashley, Bennett, Blake, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Carothers, Casey, Clark, Clikas, Coleman, Cosby, Davis, Dutton, Escott, Faulk, Freeman, Gaston, Goodwin, Grimsley, Hall, Harper, Hettinger, Holley, Holmes, Horn, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Langford, Lauderdale, Layton, McKee, McMillan, Manley, Martin, Mathis, Minus, Mitchell, Moore, Newman, Nicholson, Owens, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turner, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

—76

And the bill, S. 373 as thus amended, was read a third time at length and passed.

Yeas 75; Nays 0.

Yeas:

Reps.: Bennett, Blake, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Carothers, Casey, Clark, Clikas, Coleman, Cosby, Crow, Davis, Dutton, Escott, Ford, Freeman, Gaston, Grimsley, Hall, Harper, Hettinger, Holley, Holmes, Horn, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Langford, Lauderdale, Layton, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Newman, Nicholson, Owens, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Smith, Starkey, Starr, Stout, Thornton, Trammell, Tucker, Turner, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

—75

H. 468 INDEFINITELY POSTPONED

On motion of Rep. Wilson, the bill, H. 468, was indefinitely postponed.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 198. To amend Sections 41-4-5 and 41-4-81, Code of Alabama 1975, relating to the chiefs of divisions and employment of a state budget officer,

so as to provide that such budget officer may be employed from within or without the classified service and shall serve at the pleasure of the state finance director; and to provide that such budget officer shall be entitled to the same benefits as any person with the classified service.

McDOWELL LEE
Secretary.

SENATE MESSAGE

On motion of Rep. Casey, the House concurred in and adopted the Senate amendment to the bill, H. 198, said Senate amendment being as follows:

Amend H.B. 198 as follows:

On page 2, line 17, by inserting a new Section 2 as follows:

"Section 2. Any person who may be serving as such budget officer, on the effective date of this Act, who is not re-employed as such budget officer under the provisions of this Act, and who prior to such employment as budget officer was a member of the state merit system, may elect to return to the merit system job classification previously held."

Renumber the existing Section 2 as Section 3.

Yeas 67; Nays 0.

Yeas:

Reps.: Ashley, Bennett, Blake, Blakeney, Box, Brakefield, Brooks, Browder, Carothers, Casey, Clark, Clikas, Cosby, Crow, Davis, Escott, Flowers, Gaston, Goodwin, Grimsley, Hall, Harper, Hettinger, Holley, Holmes, Horn, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Langford, Lauderdale, Layton, McMillan, Martin, Mathis, Melton, Minus, Moore, Newman, Nicholson, Owens, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Smith, Starkey, Starr, Thomas, Trammell, Tucker, Turner, Venable, Waggoner, Warren, White (F), White (L), Williams, Wright and Zoghby.

—67

And the bill, H. 198 as thus amended, was again read at length and passed.

Yeas 65; Nays 3.

Yeas:

Reps.: Ashley, Bennett, Blake, Blakeney, Box, Brakefield, Browder, Bryant, Carothers, Casey, Clark, Clikas, Coleman, Cosby, Crow, Davis, Escott, Flowers, Gaston, Goodwin, Grimsley, Hall, Harper, Holley, Holmes, Horn, Johnson (A.L.), Johnson (Roy), Junkins, Kvalheim, Langford, Lauderdale, Layton, Martin, Mathis, Melton, Minus, Newman, Nicholson, Owens, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Smith, Starkey, Starr, Stout, Thomas, Trammell, Tucker, Turner, Venable, Warren, White (F), White (L), Williams, Wright and Zoghby.

—65

Nays: Reps. Brooks, Hettinger and Manley. —3

SPECIAL ORDER RESUMED

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Tucker, the rules were suspended in order to take up out of order the bill, H. 813.

The bill, H. 813, was carried over.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Stout, the rules were suspended in order to take up out of order the bill, H. 798.

And the bill:

H. 798. To provide for the criminal offense of theft of trade secrets and to prescribe penalty for conviction of such offense.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 70; Nays 0.

Yeas:

Reps.: Ashley, Bennett, Blake, Blakeney, Bowling, Brakefield, Brooks, Bryant, Buskey, Carothers, Clark, Clikas, Coleman, Crow, Davis, Dutton, Faulk, Ford, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Hettinger, Holley, Holmes, Horn, Johnson (A.L.), Johnson (Roy), Junkins, Kvalheim, Langford, Lauderdale, Layton, McKee, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Newman, Owens, Poole, Reed, Rice, Richardson, Rogers, Sasser, Scott, Smith, Starkey, Starr, Stout, Thornton, Trammell, Tucker, Turner, Venable, Waggoner, Warren, White (L), Williams, Wilson, Wright and Zoghby.

—70

CO-SPONSORS ADDED

The following were added as co-sponsors to the bill, H. 798:

Reps.: Bennett, Blake, Brakefield, Brooks, Bryant, Casey, Clark, Clikas, Coleman, Cosby, Crow, Faulk, Ford, Freeman, Gaston, Grimsley, Hall, Hammett, Harper, Hettinger, Holley, Holmes, Johnson (Roy), Kvalheim, Lauderdale, Layton, McKee, Martin, Mathis, Mitchell, Moore, Murphy, Newman, Nicholson, Owens, Poole, Preuitt, Rains, Rice, Richardson, Smith, Starr, Thornton, Trammell, Tucker, Turner, Warren, White (L), Wilson, Wright and Zoghby.

MOTION TO SUSPEND RULES ADOPTED

On Motion of Rep. Preuitt, the rules were suspended in order to take up out of order the bill, H. 313.

And the bill:

H. 313. To amend Section 32-13-3 and Section 32-13-4, Code of Alabama 1975, in order to provide for notice by newspaper publication of the sale of an abandoned motor vehicle, to provide for notice by certified mail to the owner, secured parties or lienholders of the sale of an abandoned motor vehicle, and notice by newspaper publication if the name and address of the owner, secured parties or lienholders are unknown or cannot be reasonably ascertained, and to provide for a hearing in District Court or Cir-

cuit Court, on application of the owner, secured parties or lienholders, to determine if the vehicle is abandoned and should be sold.

Was taken up.

S. 80 SUBSTITUTED FOR H. 313

On motion of Rep. Preuitt, the bill, S. 80 was substituted for the bill, H. 313.

And the bill:

S. 80. To amend Section 32-13-3 and Section 32-13-4, Code of Alabama 1975, in order to provide for notice by newspaper publication of the sale of an abandoned motor vehicle, to provide for notice by certified mail to the owner, secured parties or lienholders of the sale of an abandoned motor vehicle, and notice by newspaper publication if the name and address of the owner, secured parties or lienholders are unknown or cannot be reasonably ascertained, and to provide for a hearing in District Court or Circuit Court, on application of the owner, secured parties or lienholders, to determine if the vehicle is abandoned and should be sold.

Was read a third time at length and passed.

Yeas 78; Nays 0.

Yeas:

Reps.: Adams, Ashley, Blake, Blakeney, Bowling, Brakefield, Brooks, Bryant, Butler, Campbell, Carothers, Casey, Clark, Clikas, Coleman, Cosby, Crow, Davis, Dutton, Faulk, Flowers, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Hettinger, Holley, Holmes, Horn, Johnson (A.L.), Johnson (Roy), Junkins, Kvalheim, Langford, Lauderdale, Layton, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Owens, Parker, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Smith, Starkey, Starr, Thornton, Trammell, Tucker, Venable, Waggoner, Warren, White (L), Williams, Wilson, Wright and Zoghby.

—78

H. 313 INDEFINITELY POSTPONED

On motion of Rep. Preuitt, the bill, H. 313, was indefinitely postponed.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Starr, the rules were suspended in order to take up out of order the bill, H. 444.

And the bill:

H. 444. To amend Section 11-45-8, Code of Alabama 1975, to include other like codes with those codes listed which may be adopted by ordinance and by reference under the authority and procedures of said section.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 71; Nays 0.

Yeas:

Reps.: Ashley, Bennett, Blake, Blakeney, Bowling, Box, Brakefield, Brooks, Bryant, Butler, Carothers, Casey, Clark, Clikas, Coleman, Cosby, Crow,

Dutton, Faulk, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Harper, Hettinger, Holley, Horn, Johnson (A.L.), Johnson (Roy), Kvalheim, Langford, Lauderdale, Layton, McKee, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Owens, Parker, Poole, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Smith, Starkey, Starr, Stout, Thornton, Trammell, Tucker, Venable, Waggoner, Warren, White (L), Williams, Wilson, Wright and Zoghby.

—71

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Carothers, the rules were suspended in order to take up out of order the bill, H. 143.

The bill, H. 143, was carried over.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Carothers, the rules were suspended in order to take up out of order the bill, H. 144.

And the bill:

H. 144. To amend Section 9-11-54, Code of Alabama 1975, relating to fishing licenses for totally disabled persons, so as to provide for hunting or fishing licenses for totally disabled persons; to omit the license fee; to provide that licenses issued shall be on a continuous basis; to provide that holders may be required to obtain recertification of disability; to provide for the voiding of licenses of holders failing to obtain said recertification; to increase the issuing fee; and to provide that the issuing fee shall be paid into the county treasury under certain circumstances.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 69; Nays 0.

Yeas:

Reps.: Adams, Ashley, Bennett, Blake, Box, Brakefield, Brooks, Bryant, Carothers, Casey, Clark, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Ford, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Hettinger, Holmes, Horn, Johnson (A.L.), Johnson (Roy), Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, Martin, Mathis, Melton, Moore, Murphy, Nevett, Owens, Parker, Poole, Reed, Rice, Richardson, Rogers, Sasser, Scott, Smith, Starkey, Starr, Stout, Thornton, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Warren, White (L), Williams, Wilson and Wright.

—69

CO-SPONSORS ADDED

Reps. Holmes and Zoghby were added as co-sponsors to the bill, H. 144.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Waggoner, the rules were suspended in order to take up out of order the bill, H. 686.

And the bill:

H. 686. To further amend Section 11-60-1, Code of Alabama, 1975 re-

specting municipal public park and recreation boards, to amend the definitions in the said act to include the recreational facilities, handball courts and gymnasiums in the definition of "Project" therein.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 69; Nays 0.

Yeas:

Reps.: Ashley, Bennett, Blake, Blakeney, Box, Brakefield, Brooks, Bryant, Carothers, Casey, Clark, Clikas, Coleman, Cosby, Crow, Dutton, Faulk, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Hettinger, Holley, Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, Manley, Mathis, Melton, Moore, Murphy, Nevett, Nicholson, Owens, Parker, Payne, Poole, Reed, Richardson, Rogers, Sasser, Scott, Smith, Starkey, Starr, Thomas, Thornton, Trammell, Tucker, Turner, Venable, Waggoner, Warren, White (L), Williams, Wilson, Wright and Zoghby.

—69

CO-SPONSOR ADDED

Rep. Bennett was added as co-sponsor to the bill, H. 686.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Martin, the rules were suspended in order to take up out of order the bill, H. 56.

And the bill:

H. 56. To establish the children's trust fund in the state treasury for the primary purpose of encouraging the direct provision of services to prevent child abuse and neglect and to provide for the continuous appropriation of moneys in such fund; to authorize and provide for voluntary contributions to such fund by means of an income tax checkoff and to prescribe certain duties for the state revenue department and the state treasurer in connection with such checkoff contributions; to provide for reimbursing the revenue department for the additional cost of collecting and handling such contributions; to provide for terminating the voluntary contributions when the trust fund reaches a certain amount; to regulate the use of the trust fund; to provide that the child abuse and neglect prevention board shall have access to and control over the fund and shall supervise and control the use of the assets of the fund; and to prescribe the effective date of this act.

Was taken up.

AMENDMENT OFFERED

Rep. Martin offered the following amendment to the bill, H. 56:

On page 5 in Section 5 on line 17 after "repealed" add the following:

"except that no part of this act shall be construed to authorize any board, person, or entity to assume the duties and responsibilities of any other state agencies or to repeal or preempt or take precedence over any part of Act No. 1124, Acts 1975, as amended by Act No. 81-789, Acts 1981, as now codified in Title 26, Chapter 14, Sections 26-14-1 through 26-14-13."

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 69; Nays 0.

Yeas:

Reps.: Adams, Ashley, Bennett, Blake, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Carothers, Casey, Clark, Clikas, Coleman, Cosby, Davis, Dutton, Faulk, Freeman, Gaston, Grimsley, Grouby, Hall, Hammett, Harper, Hettinger, Holley, Johnson (A.L.), Johnson (Roy), Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, McKee, Manley, Martin, Mathis, Melton, Mitchell, Murphy, Nicholson, Owens, Parker, Poole, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Smith, Starkey, Starr, Stout, Thornton, Trammell, Tucker, Turner, Venable, Waggoner, Warren, White (L), Williams, Wilson and Zoghby.

—69

And the bill, H. 56, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 58; Nays 0.

Yeas:

Reps.: Ashley, Bennett, Blake, Bowling, Box, Brakefield, Brooks, Browder, Casey, Clark, Clikas, Cosby, Crow, Dutton, Faulk, Ford, Freeman, Gaston, Goodwin, Grimsley, Hall, Hammett, Holley, Horn, Johnson (A.L.), Johnson (Roy), Kennedy, Kvalheim, Lauderdale, Layton, McKee, McMillan, Manley, Mathis, Melton, Mitchell, Newman, Owens, Parker, Penry, Rains, Reed, Rice, Richardson, Sasser, Scott, Smith, Starkey, Starr, Thomas, Trammell, Tucker, Turner, Venable, White (L), Williams, Wilson and Zoghby.

—58

CO-SPONSORS ADDED

Reps. Starkey and Zoghby were added as co-sponsors to the bill, H. 56:

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Martin, the rules were suspended in order to take up out of order the bill, H. 57.

And the bill:

H. 57. To create and establish the state child abuse and neglect prevention board; to prescribe the purpose of and the authority, powers and duties of such board; specifically to place certain duties relative to the children's trust fund in the state treasury on the child abuse and neglect prevention board and to prescribe criteria for determining when and how much money from such fund shall be made available to local organizations for use in the prevention of child abuse and neglect; and to place additional duties and confer additional powers and authority on certain state departments.

Was taken up.

AMENDMENT OFFERED

Rep. Martin offered the following amendment to the bill, H. 57:

On page 3 in Section 3(c), on line 19 after "board," add the following:

In carrying out the duties provided in Section 6 (a), (3), (4), (5), (6), (7), and (b), the Executive Director shall coordinate these activities with the State Department of Pensions and Security.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 61; Nays 0.

Yeas:

Reps.: Adams, Ashley, Bennett, Blake, Bowling, Box, Brakefield, Brooks, Browder, Carothers, Casey, Clikas, Cosby, Crow, Davis, Faulk, Freeman, Gaston, Goodwin, Grimsley, Hall, Hammett, Harper, Holley, Horn, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Kennedy, Kvalheim, Laird, Layton, McKee, McMillan, Manley, Martin, Mathis, Melton, Mitchell, Nevett, Newman, Nicholson, Owens, Penry, Poole, Rains, Reed, Richardson, Smith, Starkey, Starr, Thornton, Trammell, Tucker, Turner, Venable, Warren, White (L), Williams, Wilson and Zoghby.

—61

And the bill, H. 57, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 68; Nays 0.

Yeas:

Reps.: Adams, Albright, Ashley, Bennett, Blake, Blakeney, Bowling, Box, Brakefield, Brooks, Browder, Buskey, Casey, Clark, Clikas, Cosby, Crow, Escott, Faulk, Freeman, Gaston, Goodwin, Grimsley, Hall, Hammett, Harper, Holley, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Layton, McKee, McMillan, Manley, Martin, Mathis, Melton, Mitchell, Nevett, Newman, Nicholson, Owens, Penry, Poole, Rains, Reed, Rice, Richardson, Rogers, Smith, Starkey, Starr, Stout, Thomas, Trammell, Tucker, Turner, Venable, Warren, White (F), White (L), Williams, Wilson and Zoghby.

—68

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker Pro Tem:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 198. To amend Sections 41-4-5 and 41-4-81, Code of Alabama 1975, relating to the chiefs of divisions and employment of a state budget officer, so as to provide that such budget officer may be employed from within or without the classified service and shall serve at the pleasure of the state finance director; and to provide that such budget officer shall be entitled to the same benefits as any person within the classified service.

And finds same correctly enrolled.

JOHN S. CASEY
Chairman.

SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

SPECIAL ORDER RESUMED

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Smith, the rules were suspended in order to take up out of order the bill, H. 575.

And the bill:

H. 575. (With Amendment): To amend Section 25-5-50, Code of Alabama 1975, which provides for exemptions from coverage under Workmen's Compensation, so as to provide that corporate officers may elect to be exempt from coverage.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Small Business, said committee amendment being as follows:

Amend H.B. 575 on page 2, line 32 by inserting the following paragraph:

In the event that the corporate officer election occurs, such election shall not relieve the employer from continuing coverage for all other eligible employees who may have been covered prior to the election or who may subsequently be employed by the firm.

And the amendment was adopted.

Yeas 79; Nays 0.

Yeas:

Reps.: Adams, Albright, Ashley, Bennett, Blake, Blakeney, Bowling, Brakefield, Brooks, Browder, Bryant, Carothers, Casey, Clark, Clikas, Cosby, Crow, Dutton, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Hettinger, Holley, Horn, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Mathis, Melton, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Payne, Penry, Poole, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Smith, Starkey, Starr, Thornton, Trammell, Tucker, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

—79

And the bill, H. 575, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 82; Nays 0.

Yeas:

Reps.: Adams, Albright, Ashley, Bennett, Blakeney, Bowling, Brakefield, Brooks, Browder, Bryant, Buskey, Carothers, Casey, Clark, Clikas, Coleman,

Cosby, Crow, Davis, Dutton, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Hettinger, Holley, Horn, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Mathis, Melton, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Payne, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Smith, Starkey, Starr, Thomas, Thornton, Trammell, Tucker, Venable, Waggoner, Warren, White (F), White (L), Wilson, Wright and Zoghby.

—82

CO-SPONSORS ADDED

The following were added as co-sponsors to the bill, H. 575:

Reps.: Albright, Blakeney, Clikas, Dutton, Flowers, Freeman, Gaston, Hall, Hammett, Lewis, Melton, Moore, Murphy, Nicholson, Payne, Tucker, Warren, White (F), White (L.) and Wilson.

MOTION TO SUSPEND RULES LOST

On motion of Rep. Casey, the rules were suspended in order to take up out of order the bill, H. 195.

And the bill:

H. 195. To amend the Alabama Business Corporation Act so as to provide the procedure for acquisition of stock in any corporation through exchange of stock by another corporation; to provide for the right of a shareholder to dissent from such exchange; to prescribe a dissenting shareholder's rights; to provide that the provisions of the Act are severable; and to prescribe an effective date.

Was taken up.

S. 120 SUBSTITUTED FOR H. 195

On motion of Rep. Casey, the bill, S. 120, was substituted for the bill, H. 195.

And the bill:

S. 120. To amend the Alabama Business Corporation Act so as to provide the procedure for acquisition of stock in any corporation through exchange of stock by another corporation; to provide for the right of a shareholder to dissent from such exchange; to prescribe a dissenting shareholder's rights; to provide that the provisions of the Act are severable; and to prescribe an effective date.

Was read a third time at length and passed.

Yeas 77; Nays 0.

Yeas:

Reps.: Adams, Albright, Ashley, Bennett, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Buskey, Carothers, Casey, Clark, Clikas, Coleman, Cosby, Crow, Dutton, Faulk, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Hettinger, Holley, Horn, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, McKee, McMillan, Manley, Martin, Mathis, Melton, Mitchell, Murphy, Newman, Nicholson,

Owens, Payne, Penry, Poole, Rains, Reed, Rice, Richardson, Sasser, Smith, Starkey, Starr, Thornton, Tucker, Turner, Venable, Waggoner, Warren, White (L), Williams, Wilson, Wright and Zoghby.

—77

H. 195 INDEFINITELY POSTPONED

On motion of Rep. Casey, the bill, H. 195, was indefinitely postponed.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Murphy, the rules were suspended in order to take up out of order the bill, H. 453.

And the bill:

H. 453. To provide that persons who are totally disabled shall be admitted free to all state parks.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 81; Nays 0.

Yeas:

Reps.: Adams, Albright, Ashley, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Buskey, Carothers, Casey, Clark, Clikas, Coleman, Cosby, Crow, Davis, Dutton, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Hettinger, Holley, Horn, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Mathis, Melton, Mitchell, Moore, Murphy, Newman, Nicholson, Owens, Payne, Penry, Poole, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Smith, Starkey, Starr, Stout, Thornton, Tucker, Turner, Venable, Waggoner, Warren, White (L), Williams, Wilson, Wright and Zoghby.

—81

CO-SPONSORS ADDED

The following were added as co-sponsors to the bill, H. 453:

Reps.: Adams, Ashley, Blake, Blakeney, Boles, Brakefield, Browder, Clikas, Coleman, Crow, Dutton, Escott, Ford, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Hettinger, Holley, Horn, Johnson (A.L.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Layton, Lewis, McMillan, Melton, Mitchell, Nevett, Newman, Nicholson, Owens, Payne, Poole, Rains, Reed, Rice, Richardson, Rogers, Sasser, Smith, Starkey, Starr, Tucker, Turner, Venable, Waggoner, Warren, White (L), Wilson, Wright and Zoghby.

MOTION TO SUSPEND RULES LOST

The motion offered by Rep. Kennedy to suspend the rules in order to take up out of order the bill, H. 515, was lost.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Clikas, the rules were suspended in order to take up out of order the bill, S. 174.

And the bill:

S. 174. To amend Subsection 11-58-2(a) of the Code of Alabama 1975

in order to broaden the statement of the purposes of medical clinic boards to include as one of such purposes the acquisition of facilities for the housing and care of elderly persons and to amend the definition of "medical clinic" contained in § 11-58-1 of the Code of Alabama 1975 in order to include domiciliary facilities so long as any such facility is required to be licensed by any federal, state or local agency having jurisdiction in the planning or operation of health care facilities or is owned or operated in conjunction with any nursing home.

Was read a third time at length and passed.

Yeas 68; Nays 0.

Yeas:

Reps.: Adams, Albright, Ashley, Bennett, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Buskey, Carothers, Casey, Clark, Clikas, Coleman, Cosby, Crow, Escott, Ford, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Hettinger, Holley, Horn, Johnson (A.L.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Lauderdale, Layton, McKee, McMillan, Manley, Martin, Mathis, Melton, Mitchell, Newman, Penry, Poole, Rains, Reed, Rice, Richardson, Rogers, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turner, Venable, Waggoner, Warren, Williams, Wright and Zoghby.

—68

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Casey, the rules were suspended in order to take up out of order the bill, H. 509.

And the bill:

H. 509. (With Substitute): To amend Sections 5-18-5 and 5-19-22, Code of Alabama 1975, relating to annual license fees paid by persons making certain type loans, so as to alter said license fees and to provide for the distribution of said revenue.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Small Business, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To amend Sections 5-18-5 and 5-19-22, Code of Alabama 1975, relating to annual license fees paid by persons making certain type loans, so as to alter said license fees and to provide for the distribution of said revenue.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 5-18-5 and Section 5-19-22, Code of Alabama 1975, are hereby amended to read as follows:

"§ 5-18-5.

"Application for a license shall be in writing, under oath and in the form prescribed by the supervisor. The application shall give the approximate location where the business is to be conducted and shall contain such further relevant information as the supervisor may require, including the

names and addresses of the partners, officers, directors or trustees and of such of the principal owners or members as will provide the basis for the investigations and findings contemplated by Section 5-18-6. At the time of making such application, the applicant shall pay to the supervisor the sum of $100.00 as a fee for investigating the application. All licensees under this chapter shall pay an annual license fee of ~~$200.00~~-$400.00 for each office, branch or place of business of the licensee, which shall be due on October 1 of each year and shall be for a one-year period ending September 30 following and shall be delinquent on November 1 of each year, and there shall be a penalty of 10 percent for each month or portion thereof added to such license fee upon delinquency and collected by the bureau. Two hundred dollars ($200.00) of each such license fee collected shall be paid into the special fund provided by Section 5-2A-20 and used in the supervision and examination of such licensees; provided further that in fiscal year 1986, $250.00 of each such license fee collected shall be paid into the special fund provided in Section 5-2A-20 and used in the supervision and examination of such licensees; provided further that in fiscal year 1987, $300.00 of each such license fee collected shall be paid into the special fund provided by Section 5-2A-20 and used in the supervision and examination of such licensees; provided further that in fiscal year 1988, $350.00 of each such license fee collected shall be paid into the special fund provided in Section 5-2A-20 and used in the supervision and examination of such licensees; and provided further that in fiscal year 1989 and thereafter, all such license fees collected shall be paid into the special fund provided by Section 5-2A-20 and used in the supervision and examination of such licensees. If any applicant licensed under this chapter for the first time shall commence business after April 1 in any year, the amount of the license fee shall be one half the amount of a full year's license fee. The amount of the license fee and penalties if any shall be paid to the supervisor of the bureau of loans, who shall remit the same to the treasurer of the State of Alabama as provided by law. The license provided for in this chapter shall be in addition to all other licenses now or hereafter provided for by law and shall be in addition to the tax provided for by Chapter 16 of Title 40; and the amount of the license fee levied by this section shall not be credited upon or deducted from, in whole or in part, the tax levied by said chapter 16 as to the current state tax year or as to any prior or subsequent state tax year. No refunds for the current or any prior or subsequent state tax year or any portion of the tax levied by ~~said chapter 16 shall be made on the ground that the license fee levied by~~ this section was not credited upon or deducted from the tax levied by said chapter 16, and no civil action shall lie to enforce any claim of such refund.

"§ 5-19-22.

"(a) No creditor shall engage in the business of making consumer loans or taking assignments of consumer credit contracts without first having obtained a license for each location from the administrator; provided, however, banks chartered by this state or the United States, trust companies, savings or building and loan associations, credit unions, life insurance companies and federally constituted agencies shall be exempt from such licensing.

"(b) The license application shall be in writing, under oath, in the form prescribed by the administrator and shall be accompanied by an investigation fee of $100.00.

"(c) Upon receipt of the application and investigation fee, the administrator shall investigate the applicant and determine whether the license should be issued or denied.

"(d) No license shall be issued unless the administrator determines that the financial responsibility, character and fitness of the applicant, and of the members thereof if the applicant is a partnership or association, officers and directors thereof if the applicant is a corporation are such as to warrant belief that the business will be operated honestly and fairly within the purpose of this chapter and finds that the applicant has assets available for the operation of business under this chapter of at least $25,000.00.

"(e) Upon written request, the applicant is entitled to a hearing on the question of his qualifications for a license if

"(1) The administrator has notified the applicant in writing that his application has been denied; or

"(2) The administrator has not issued a license within 60 days after the application for the license was filed.

"A request for a hearing may not be made more than 15 days after the administrator has mailed by certified mail a writing to the applicant notifying him that the application has been denied stating in substance the administrator's findings supporting denial of the application.

"(f) Any person licensed under the Alabama Small Loan Act may engage in business under the Alabama Small Loan Act, but shall not make loans in excess of $749.00 unless such person is also licensed under this chapter. The payment of the license and examination fees required by this chapter shall be in lieu of the license and examination fees required by the Alabama Small Loan Act when the licensee is also licensed under the Alabama Small Loan Act.

"(g) The license shall be in the form prescribed by the administrator, posted conspicuously in the place of business of the licensee and shall not be assignable or transferable or removed to another location without permission of the administrator.

"(h) The annual license fee hereunder shall be ~~$200.00 for each office, branch or place of business of he licensee, due on October 1 of each year and delinquent on November 1 of each year. The administrator shall assess and collect a penalty of 10 percent for each month or part thereof the licensee is delinquent in the payment of such license fees~~ $400.00 for each office, branch or place of business of the licensee, which shall be due on October 1 of each year, and shall be for a one-year period ending September 30 following, and shall be delinquent on November 1 of each year, and there shall be a penalty of 10 percent for each month or part thereof that the licensee is delinquent in the payment of such license fee. Two hundred dollars ($200.00) of each such license fee collected shall be paid into the special fund provided by Section 5-2A-20 and used in the supervision and examination of such licensees; provided further that in fiscal year 1986, $250.00 of each such license fee collected shall be paid into the special fund provided in Section 5-2A-20 and used in the supervision and examination of such licensees; provided further that in fiscal year 1987, $300.00 of each such license fee collected shall be paid into the special fund provided by Section 5-2A-20 and used in the supervision and examination of such licensees; provided further that in fiscal year 1988, $350.00 of each such license fee collected shall be paid into the special fund provided in Section 5-2A-20 and used in the supervision and examination of such licensees; and provided further that in fiscal year 1989 and thereafter, all such license fees collected shall be paid into the special fund provided by Section 5-2A-20 and used in the supervision and examination of such licensees.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 53; Nays 0.

Yeas:

Reps.: Adams, Albright, Ashley, Bennett, Blake, Blakeney, Bowling, Brakefield, Browder, Campbell, Casey, Coleman, Cosby, Crow, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Hettinger, Holley, Johnson (A.L.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Layton, Manley, Mathis, Mitchell, Newman, Poole, Rains, Reed, Richardson, Sasser, Smith, Starkey, Starr, Stout, Trammell, Tucker, Venable, Waggoner, Warren, White (L), Williams, Wilson and Wright.

—53

And the bill, H. 509, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 66; Nays 0.

Yeas:

Reps.: Adams, Albright, Ashley, Bennett, Blake, Blakeney, Bowling, Box, Brakefield, Brooks, Bryant, Campbell, Carothers, Casey, Clark, Coleman, Cosby, Escott, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Hettinger, Holley, Horn, Johnson (A.L.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Manley, Mathis, Melton, Mitchell, Newman, Poole, Reed, Rice, Richardson, Sasser, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammel, Tucker, Turner, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

—66

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Buskey, the rules were suspended in order to take up out of order the bill, H. 698.

H. 698 TEMPORARILY POSTPONED

On motion of Rep. Buskey, the bill, H. 698, was temporarily postponed.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Coleman, the rules were suspended in order to take up out of order the bill, S. 331.

And the bill:

S. 331. To make an appropriation in the amount of Six Million Five Hundred Thousand Dollars ($6,500,000), consisting of a supplemental appropriation for the period ending September 30, 1983 and an appropriation for the period commencing October 1, 1983 and ending December 31, 1983, from monies comprising Trust Capital of The Alabama Heritage Trust Fund created by an amendment to the Constitution of Alabama of 1901, proposed by Act No. 81-1178, 1981 Third Special Session, for the purpose of payment by the State of Alabama of expenses requisitioned on or prior to midnight December 31, 1983 by the Alabama Housing Finance Authority in the exercise of the powers granted to it by law.

Was read a third time at length and passed.

Yeas 67; Nays 0.

Yeas:

Reps.: Adams, Albright, Ashley, Bennett, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Browder, Bryant, Carothers, Casey, Clark, Clikas, Coleman, Cosby, Crow, Davis, Escott, Flowers, Ford, Gaston, Goodwin, Grouby, Hall, Hammett, Hettinger, Holley, Horn, Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, McKee, McMillan, Mathis, Melton, Mitchell, Murphy, Nevett, Newman, Nicholson, Owens, Penry, Poole, Rains, Reed, Richardson, Rogers, Smith, Starkey, Starr, Thomas, Thornton, Tucker, Turner, Venable, Warren, White (F), Williams, Wilson and Wright.

—67

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Richardson, the rules were suspended in order to take up out of order the bill, H. 199.

And the bill:

H. 199. To authorize the State Health Department to establish a training program for persons interested in qualifying to perform soil percolation tests and soil borings. Further authorizing the Health Department to charge necessary registration fees for attending the course, to help offset any expenses. To further authorize members of the County Health Departments to assist in performing tests and to charge a fee to recover the actual expenses incurred.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 60; Nays 0.

Yeas:

Reps.: Adams, Albright, Ashley, Bennett, Blake, Blakeney, Boles, Bowling, Brakefield, Bryant, Carothers, Casey, Clark, Clikas, Cosby, Dutton, Escott, Faulk, Flowers, Ford, Gaston, Goodwin, Grimsley, Hall, Hammett, Harper, Hettinger, Holley, Johnson (Roy), Kennedy, Laird, Langford, Lauderdale, Lewis, McKee, McMillan, Mathis, Melton, Mitchell, Nevett, Owens, Parker, Payne, Rains, Reed, Richardson, Sasser, Smith, Starkey, Starr, Thomas, Tucker, Venable, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

—60

CO-SPONSORS ADDED

Rep. Hall was added as co-sponsor to the bill, H. 199.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Cosby, the rules were suspended in order to take up out of order the bill, H. 275.

And the bill:

H. 275. To amend Sections 34-25-3, 34-25-5, 34-25-26 and 34-25-29, Code of Alabama 1975, which provide for the practice and regulation of polygraph examiners, so as to further regulate said practice.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 56; Nays 0.

Yeas:

Reps.: Adams, Albright, Blake, Boles, Brakefield, Browder, Carothers, Clark, Clikas, Coleman, Cosby, Crow, Dutton, Faulk, Ford, Gaston, Grimsley, Grouby, Hall, Hammett, Harper, Hettinger, Holley, Johnson (A.L.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, McMillan, Martin, Mathis, Melton, Newman, Nicholson, Owens, Poole, Reed, Rice, Richardson, Sasser, Smith, Starkey, Starr, Stout, Thomas, Tucker, Venable, White (F), White (L), Williams, Wilson and Zoghby.

—56

RESOLUTION

The following resolution was introduced:

By Rep. Warren:

H. R. 375. REQUESTING THE STATE HIGHWAY DEPARTMENT AND THE DEPARTMENT OF PUBLIC SAFETY TO INITIATE SAFEGUARDS DURING THE CONSTRUCTION OF THE CLAIBORNE BRIDGE ACROSS THE ALABAMA RIVER ON U. S. HIGHWAY 84 IN MONROE COUNTY.

WHEREAS, during the construction of the Claiborne Bridge, crossing the Alabama River in Monroe County on U. S. Highway 84, serious inconveniences will be caused the driving public and it is quite possible that even hazardous conditions will exist throughout the construction period; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, That we hereby most urgently request that both the State Highway Department and the Department of Public Safety take every possible step to ensure the safety of the driving public during the construction of the new Claiborne Bridge in Monroe County.

BE IT FURTHER RESOLVED, That the Clerk of the House is directed to inform the State Highway Director and the Director of Public Safety, by copies of this resolution, of this urgent request of the Legislature.

On motion of Rep. Warren, the rules were suspended and the resolution, H. R. 375, was adopted.

SPECIAL ORDER RESUMED

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Rice, the rules were suspended in order to take up out of order the bill, H. 614.

MOTION TO ADJOURN LOST

The motion offered by Rep. Ford that the House adjourn until Tuesday, July 12, 1983, at 3 o'clock p.m., was lost.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators deGraffenried and Robertson:

S. J. R. 239. COMMENDING HALE MEMORIAL HOSPITAL UPON ITS ACCREDITATION.

McDOWELL LEE
Secretary.

SENATE MESSAGE

On motion of Rep. Coleman, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 239, the title of which is set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Senator Smith (J):

S. 298. To state the legislative intent; to amend § 2-20-54, Code of Alabama, 1975 by further defining the excessive dispensing of controlled substances to include the ordering, prescribing, dispensing, administering, supplying, or otherwise distributing of any amphetamine and/or amphetamine like anorectic drug or compound and/or any sympathomimatic amine drug or compound thereof and/or any non-narcotic stimulant drug which drugs are classified under Schedule II of the Alabama Uniform Controlled Substances Act, § 20-2-24, Code of Alabama, 1975, to any person except for the therapeutic treatment of narcolepsy, hyperkinesis, brain dysfunction, epilepsy, depression or for the clinical investigation of the effects of such drugs or compounds; to provide for the documentation of the utilization of such drugs or compounds; to provide that such drugs or compounds shall not be dispensed or prescribed for the treatment or control of exogenous obesity; to amend § 34-24-360, Code of Alabama, 1975 to further prescribe that a physician licensed to practice in Alabama is guilty of unprofessional conduct if that physician orders, prescribes, dispenses, administers, supplies or otherwise distributes any amphetamines and/or amphetamine like anorectic drug and/or sympathomimatic amine drug or compound thereof and/or any non-narcotic stimulant drug, which drugs are classified under Schedule II of the Alabama Uniform Controlled Substances Act, § 20-2-24, Code of Alabama, 1975 to any person except for the therapeutic treatment of narcolepsy, hyperkinesis, brain dysfunction, epilepsy or depression or for the clinical investigation of the effects of such drugs or compounds; to provide for documentation of the utilization of such drugs or compounds; to provide that such drugs or compounds shall not be dispensed or prescribed for the treatment or control of exogenous obesity; to provide that the certifying boards under the Alabama Uniform Controlled Substances Act and the State Board of Medical Examiners and the Medical Licensure Commission are empowered to enact rules and regulations to implement the provisions of this act.

Also:

By Senators Bedsole, Little, Denton, Mitchem, Foshee, and Covington:

S. 435. To amend Act No. 81-1183, H. 71, 1983 3rd Special Session, which implements Amendment No. 394 to the Constitution of Alabama of 1901, providing for the Alabama Heritage Trust Fund, so as to provide further for the renovation and restoration of buildings in the main governmental complex.

Also:

By Senator Little:

S. 305. To amend Section 41-19-10 of the Code of Alabama 1975, relating to operation plans or budget management by state agencies/departments generally, so as to provide further for such budget management.

Also:

By Senator Dixon:

S. 248. To amend Section 36-29-2, Code of Alabama 1975, which creates the state employees' insurance board, so as to provide further for membership on the board.

Also:

By Senators Covington and Foshee:

S. 111. To allow persons seventeen years of age or older to donate blood without parental permission.

Also:

By Senator Mitchell:

S. 446. To amend Section 41-1-6, Code of Alabama 1975, relating to inventory or certain personal property by state agencies and departments, so as to provide for an annual inventory.

Also:

By Senator Mitchell:

S. 447. To amend Sections 36-16-8 and 36-16-11, Code of Alabama 1975, so as to further regulate the submission of inventory to the state auditor and the conducting of inventory.

McDOWELL LEE
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 298. Health.

S. 435. State Administration.

S. 305. State Administration.

S. 248. State Administration.

S. 111. Health.

S. 446. State Administration.

S. 447. State Administration.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Senators Harrison and Corbett:

S. 411. To require the testing of certain students in public schools for idiopathic scoliosis.

Also:

By Senators Cooley, Bishop, Covington, and Foshee:

S. 496. To amend Section 22-24-5, Code of Alabama 1975, relating to well drillers' licenses, so as to provide further for the payment of license fees.

Also:

By Senators Keener and deGraffenried:

S. 228. To amend Sections 36-33-1 and 36-33-2, Code of Alabama 1975, as amended, which provides for protection of certain state officers and visitors so as to delete Subsection (4) of 36-33-1 and portions of Subsections (b) and (c) of 36-33-2 and exempts any person presently employed as an Executive Security Officer from the provisions of this Act.

Also:

By Senators Harrison, Parsons, Little, Holmes, Bedford, Corbett, and Amari:

S. 69. To amend Sections 36-7-20 and 36-7-22 of the Code of Alabama 1975 so as to further provide for the per diem allowance and mileage allowance for persons traveling on state business.

McDOWELL LEE
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 411. Health.

S. 496. Business and Labor.

S. 228. Public Welfare.

S. 69. Ways and Means.

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the within House Bills and House Joint Resolution hereinafter mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Depart-

ment for same.

Delivered to the Secretary of State at 10:20 A.M. on June 30, 1983.

H. 441 (Constitutional Amendment)

Delivered to the Governor at 11:40 A.M. on June 30, 1983.

H. 248

Delivered to the Governor at 1:20 P.M. on June 30, 1983.

H.J.R. 364

Delivered to the Governor at 2:45 P.M. on June 30, 1983.

H. 198

JOHN W. PEMBERTON,
Clerk.

ADJOURNMENT

On motion of Rep. Manley and pursuant to the resolution, H. R. 365, heretofore adopted, the House adjourned until 3:00 o'clock p.m., Tuesday, July 12, 1983.

TWENTY-FIFTH DAY

House of Representatives
Montgomery, Alabama
Tuesday, July 12, 1983

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Rev. Edward P. McDevitt, Pastor, Saint Andrews Catholic Church, Montgomery, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

A quorum was present.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 267. CONGRATULATING STATE 2A BASEBALL CHAMPIONS, THE HOLTVILLE HIGH SCHOOL BULLDOGS.

Also:

H. J. R. 289. COMMENDING AND SALUTING T. R. DUNN.

Also:

H. J. R. 291. COMMENDING MISS DONNA JEAN THORNTON OF NORTHPORT, ALABAMA, MISS WHEELCHAIR ALABAMA, 1983 - 1984.

Also:

H. J. R. 264. COMMENDING DR. CHARLES L. PAYNE FOR BEING SELECTED "OUTSTANDING ADMINISTRATOR OF THE YEAR" FOR 1982 - 83.

Also:

H. J. R. 266. MOURNING THE DEATH OF MR. JULIAN W. HALL OF MOBILE, ALABAMA.

Also:

H. J. R. 269. COMMENDING DR. JAMES F. VICKREY, PRESIDENT OF THE UNIVERSITY OF MONTEVALLO.

Also:

H. J. R. 257. COMMENDING MR. GEORGE ROBERTS, PROMINENT LIMESTONE COUNTY EDUCATOR.

Also:

H. J. R. 261. COMMENDING THE G. W. CARVER HIGH SCHOOL WOLVERINES.

Also:

H. J. R. 262. COMMENDING THE ULLMAN HIGH SCHOOL CLASSES OF 1958, 1959, 1960 AND 1961, ON THE OCCASION OF THEIR REUNION.

Also:

H. J. R. 263. IN REMEMBRANCE OF THE LATE DR. GEORGE C. BELL.

Also:

H. J. R. 210. CREATING THE MADISON COUNTY TAX DISTRIBUTION STUDY COMMITTEE.

Also:

H. J. R. 268. COMMENDING THE MEMBERS OF THE MADISON COUNTY ELECTED OFFICIALS SALARY COMMISSION.

Also:

H. J. R. 296. HONORING DR. E. D. NIXON OF MONTGOMERY, ALABAMA.

Also:

H. J. R. 299. COMMENDING MRS. BERTHA BERRY, NEWLY ELECTED STATE PRESIDENT OF THE ALABAMA JAYCEETTES.

Also:

H. J. R. 302. COMMENDING MISS EMMA ALLEN FOR OUTSTANDING SERVICE TO THE ALABAMA LEGISLATIVE BLACK CAUCUS.

Also:

H. J. R. 297. COMMENDING THE CHUCK WAGON GANG AND DESIGNATING THEM ALABAMA'S HONORARY "MINISTERS OF MUSIC".

Also:

H. J. R. 298. COMMENDING MISS PAM BATTLES OF MUSCLE SHOALS, MISS ALABAMA FOR 1983.

Also:

H. J. R. 300. COMMENDING ALABAMA'S ADULT EDUCATORS.

Also:

H. J. R. 301. COMMENDING STEVE KITTRELL FOR ACCOMPLISHMENTS IN THE FIELD OF ATHLETICS.

McDOWELL LEE,
Secretary.

LEAVE OF ABSENCE

At the request of Rep. Holmes, leave of absence was granted for Rep. Reed due to absence from the state.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 484. To provide for and create the Macon County Racing Commission for the regulating, licensing, and supervision of greyhound racing and wagering thereon; to prescribe the composition, appointment, powers, and duties of the Racing Commission; to provide for and regulate the parimutuel or certificate method of wagering within the enclosure of licensed race tracks; to provide for the distribution of license fees, taxes, commissions, and other monies received under the provisions of the Act; to provide certain penalties for the violation of this Act and for other purposes relative thereto; to provide for a referendum of the voters of the county on the ques-

tion of whether the Act will become effective in the county.

McDOWELL LEE,
Secretary.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the twenty-fourth legislative day and finds the same to be correct.

JOHN CASEY,
Chairman.

On motion of Rep. Casey, the rules were suspended and the reading at length of the Journal of the House for the twenty-fourth legislative day was dispensed with and the Standing Committee on Rules was concurred in and adopted, and the Journal for the twenty-fourth legislative day was approved.

RESOLUTION

The following resolution was introduced:

By Rep. Johnson (Roy):

H. R. 376. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That when we adjourn today, Tuesday, July 12, 1983, we adjourn to meet again on Wednesday, July 13, 1983, at 12:00 noon.

On motion of Rep. Johnson (Roy), the rules were suspended and the resolution, H. R. 376, was adopted.

NOTICE IN WRITING

Rep. Johnson (Roy) filed the following Notice in Writing:

Notice is hereby given that on Wednesday, July 13, 1983, which is the 26th Legislative Day, a Motion will be made to change Rule 5, section (4), to read as follows:

(4) Whenever any message is received notifying the House of the passage of Senate bills, the Clerk shall, immediately after the message is read, proceed to read the bills by title, unless the reading at length be called for by some member, in which event the bills shall be read at length and referred forthwith to a committee. The House shall then proceed with the business upon which it was engaged when the message was received. During a regular session, no bill that has originated in the House, except advertised local bills and general bills of local application, shall be sent to the Senate for its first reading after the Senate adjourns on the 28th legislative day. Provided further, that the House shall not consider a House bill which is amended in the Senate unless said bill is received from the Senate before the House adjourns on the 29th legislative day.

H. 850 RE-REFERRED

At the request of Rep. Turnham, the Speaker re-referred the bill, H. 850, from the Standing Committee on Local Government to the Standing Committee on Local Legislation No. 1.

BILLS ON SECOND READING

Rep. Langford, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 412. (With Substitute): To provide that after a criminal offense has occurred the victim of that offense shall be entitled to protection from injury or intimidation which causes the proecution of the original offense to be hindered and to provide for penalties.

Rep. Langford, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with amendment, and they were read a second time and placed on the Calendar, to-wit:

H. 265. (With Amendment): To define and set the punishment for the crimes of; unlawful distribution of controlled substances in the first, second, and third degree; unlawful possession of a controlled substance in the first, second, and third degree; unlawful possession of marihuana in the first and second degree; unlawful possession of narcotic paraphernalia; to provide for forfeitures and seizures; to amend Code of Alabama 1975, Sections 20-2-2, 20-2-32, 20-2-72, 20-2-80 and 20-2-93; to provide for the incorporation of Act No. 82-426, "The Imitation Controlled Substances Act," into this act; to provide for the incorporation of the provisions of this act into Title 13A of the Code of Alabama 1975; to repeal Code of Alabama 1975, Sections 20-2-70, 20-2-73, 20-2-75, and any and all other laws or parts of laws that conflcit with this act, insofar as conduct occurring after the effective date of this act is concerned; to provide that this act is supplemental to other laws not inconsistent with this act and shall not be deemed to repeal such laws; to specify the conduct to which this act applies; to provide for severability; and, to provide an effective date 90 days after its passage and approval.

H. 343. (With Amendment): To establish the separate crime of convenience store robbery and to provide for penalties for violations.

Rep. Smith, Chairman of the Standing Committee on Agriculture and Forestry, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 113. To amend Section 13A-9-41, defining and prohibiting deceptive business practices, Section 13A-9-42, prohibiting false advertising, and Section 13A-9-43, prohibiting bait advertising, so that the Commissioner of Agriculture and Industries, with the approval of the State Board of Agriculture and Industries, is empowered to promulgate reasonable rules and regulations wich conform to the provisions of the Alabama Administrative Procedures Act, for the better enforcement of the above Sections. Violations of these rules and regulations shall be considered a violation of the concerned Sections.

S. 114. To provide for the registration of certain persons skilled in the repair, servicing or installing commercial weighing and measuring devices, thereby allowing the removal of condemned tags placed on said devices for the purpose of repair, by said registered service persons or scale mechanics; to authorize the promulgation of rules and regulations by the Commissioner of Agriculture and Industries, with the approval of the State Board of Agriculture and Industries; to provide for yearly registration and renewal upon

the payment of $25.00; to provide for procedures to be followed for revocation, suspension or refusing to renew the registration or refusing to initially register; to provide for hearing before the Commissioner of Agriculture and Industries and appeals before the State Board of Agriculture and Industries.

S. 224. To amend Section 8-21-5, Code of Alabama 1975, relating to franchise agreements between retailers engaged in the business of selling farm implements, and certain other farm equipment or parts, and wholesalers, manufacturers or distributors therefor, so as to provide further for the items exempt from the repurchase requirements.

Rep. Horn, Chairman of the Standing Committee on Constitution and Elections, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 278. To provide that with the continued operation of Birmingham School of Law, Jones Law Institute and Miles College offering a four-year program of 30 weeks each of similar courses, in residence study with attorneys and judges should be allowed upon graduation and certification to take the Bar Exam with all other graduates and to be licensed upon passage.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 804. Relating to selling and redeeming lands for taxes in Lauderdale County, Alabama.

H. 815. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Wilsonville, in Shelby County, to provide for a referendum election of the qualified electors who reside within the territory proposed to be brought within the municipal limits of Wilsonville.

H. 849. Relating to Calhoun County; authorizing the county commission to levy an additional ½¢ sales tax paralleling the state sales tax provided for in Sections 40-23-1, 40-23-2, 40-23-3 and 40-23-4, Code of Alabama 1975, providing for the collection, distribution and use of the proceeds of such tax; providing for the enforcement of this act by the state department of revenue; prescribing penalties and fixing punishment for violation of this act; and to provide that the substantive provisions hereof must be approved by the voters of the area in which the tax would be levied.

S. 489. Relating to the 37th Judicial Circuit of Alabama; to provide that if a defendant in a criminal case enters a written plea of not guilty prior to his arraignment such plea shall constitute waiver of his right to have an arraignment at which he is present in person or represented by an attorney.

S. 490. To provide for the filing for record and the preservation of all orders and judgments made and entered by any judge of the circuit court of the 37th Judicial Circuit of Alabama.

Rep. Waggoner, Chairman of the Standing Committee on Local Legislation No. 2, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 553. (With Substitute): To relate to Class 1 municipalities (any city with a population of 300,000 inhabitants or more as certified by the 1970 federal decennial census); to create and provide for a racing commission for the regulating, licensing and supervision of horse racing and wagering thereon in any such municipality; to prescribe the composition, appointment, powers, and duties of the Commission; to provide for and regulate the pari-mutuel or certificate method of wagering within the enclosure of a licensed racetrack; to provide for the distribution of license fees, taxes, commissions, and other monies received under the provisions of the act; to provide certain penalties for the violation of this act and for other purposes relative thereto; and to provide for a referendum of the voters of any such municipality on the question of whether the act will become effective in the municipality.

Rep. Waggoner, Chairman of the Standing Committee on Local Legislation No. 2, reported that said Committee in session had acted on the followinb bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 654. Relating to Jefferson County; to authorize compensation incentive for personnel assigned by the sheriff on a regular basis to conduct internal investigations or assist in the accountability of funds governed by the sheriff of Jefferson County.

H. 732. Relating to Jefferson County; providing that the county commission shall have the authority, after notice as provided, to declare noxious or dangerous weeds growing upon the sidewalks or private property within the county and outside the corporate limits of any municipality within the county to be a public nuisance, and creating a lien upon the property fronting upon such sidewalks or upon which such nuisance exists for the cost of abating the same.

H. 823. To amend Section 1 of Act 499, H. 858, 1973 Regular Session (Acts of 1973, p. 738), relating to retirement allowances for elected officials in the City of Bessemer, so as to prevent said officials from participating in both the state and city retirement systems.

H. 834. Relating to Jefferson County; creating the "Vacation Change Amendment Act" to the Jefferson County Merit Service Act, as provided by Act No. 248, H. 580, of the 1945 Regular Session (Acts 1945, p. 376, et seq.), so as to further provide for the method of earning and accruing vacation and leave for all permanent employees of the Jefferson County Merit-System; and specifically repealing Section 19 of the said Act No. 248, H. 580, of the 1945 Regular Session and all conflicting laws.

H. 851. Relating to Jefferson County; to regulate further the branch office of the probate court in the city of Bessemer, providing for the appointment, term of service, duties and compensation of the deputy or assistant judge of probate who serves in the branch office of such court in the city of Bessemer.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 857. To levy a finance charge or a tax of ten cents per acre to be assessed against lands located in Pickens County, Alabama, which are used for timber growing purposes, to provide protection against forest fires, in-

sects, disease and other pests within Pickens County; to provide for a referendum on the question and prescribing the procedure for the collection of such assessments.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 703. (With Amendment): Relating to Shelby County; to create a license-issuing division within the probate judge's office for the issuance of certain licenses; to provide for the selection of personnel for such license-issuing division; to provide certain duties for the division; to provide for an optional procedure for the renewal of motor vehicle licenses in the county by mail; to authorize certain additional fees and cost pursuant to such system of renewal of motor vehicle licenses by mail; such fees shall be set by the county commission from time to time to pay the cost of mailing tags or decals; to prescribe more convenient and efficient procedures for assessing and collecting of certain taxes; the issuance of licenses by the probate judge's office; to transfer certain duties now performed by the tax assessor and tax collector; to provide that the probate judge shall be a member of the Association of Tax Assessors and Tax Collectors; and to provide further for the expense allowance of the probate judge.

Rep. Horn, Chairman of the Standing Committee on Constitution and Elections, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, with amendments, and it was read a second time and placed on the Calendar, to-wit:

S. 58. (With Substitute) (With Amendments): To propose a new constitution for the State of Alabama to replace the Constitution of 1901, as amended.

The above bill was read a second time at length as required by the Constitution.

RESOLUTION

The following resolution was introduced:

By Rules Committee:

H. R. 377. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That the following business in the order named be made the special, paramount and continuing order of business beginning July 12, 1983, taking precedence over any other business of the House.

Report of Standing Committees

Introduction of Bills and Resolutions

Uncontested Local Bills

Unfinished Business

Baseball

By Mr. Keener:

S. 71 p. 155 Prevailing wage

By Mr. Campbell:

H. 394 p. 63 Banks and branch banking

By Mr. Browder:

H. 544 p. 131 Crime Victims Compensation Commission

By Mr. Browder:

H. 478 p. 91 Restitution orders in criminal cases

By Mr. Campbell:

H. 764 p. 126 Environmental Management Agency

By Mr. Biddle:

H. 722 p. 96 Health advisory councils

By Mr. Bennett:

H. 459 p. 75 Child support payments

By Mr. Wilson:

H. 466 p. 72 Jurors, mileage allowance, abolished

By Mr. Wilson:

H. 465 p. 70 Time frame disposing courts exhibits

By Mr. Hilliard:

S. 196 p. 133 Small port authorities

By Mr. Turner:

H. 481 p. 97 Abortion, parental consent

By Mr. Parsons:

S. 68 p. 113 Competitive bid laws

By Mr. Carothers:

H. 143 p. 51 Hunter safety

By Mr. Keener:

S. 109 p. 139 Liability of state employees

By Mr. Turnham:

H. 742 p. 118 Heating and Air Conditioning

By Mr. White (L):

H. 656 p. 124 Bad check bill

By Mr. Manley:

H. 512 p. 84 Territories for electric suppliers

By Mr. Sasser:

H. 489 p. 152 Probate judges minimum compensation

MOTION TO ADOPT

Rep. Casey offered the motion to adopt the resolution, H. R. 377.

SUBSTITUTE OFFERED

Rep. Minus offered the following substitute to the resolution, H. R. 377:

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That the following business in the order named be made the special, paramount and continuing order of business beginning July 12, 1983, taking precedence over any other business of the House.

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By Mr. White (L):

H. 656 p. 124 Bad check bill

By Mr. Manley:

H. 512 p. 84 Territories for electric suppliers

By Mr. Sasser:

H. 489 p. 152 Probate judges minimum compensation

SUBSTITUTE TABLED

On motion of Rep. Casey, the substitute offered by Rep. Minus to the resolution, H. R. 377, was tabled.

Yeas 44; Nays 38.

Yeas:

Mr. Speaker, Albright, Ashley, Bennett, Blake, Boles, Box, Brakefield, Browder, Bryant, Buskey, Campbell, Casey, Clark, Coburn, Crow, Davis, Drinkard, Dutton, Escott, Ford, Goodwin, Hall, Harvey, Holley, Horn, Howard, Johnson (Roy), Junkins, Langford, Lauderdale, Melton, Mitchell, Moore, Nevett, Nicholson, Poole, Smith, Starkey, Stout, Thomas, Trammell, Turner and Williams.

—44

Nays:

Reps.: Adams, Blakeney, Brooks, Butler, Carothers, Carter, Cosby, Freeman, Gaston, Grouby, Hammett, Harper, Hettinger, Johnson (A. L.), Kvalheim, Layton, McKee, McMillan, Manley, Minus, Murphy, Newman, Owens, Rice, Richardson, Sasser, Scott, Starr, Tucker, Turnham, Venable, Waggoner, Warren, White (F), White (L), Wilson, Wright and Zoghby.

—38

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 521. To provide for changing the place of trial after selection of the jury in either criminal or civil cases in the circuit court of Marshall County from one courthouse to another; further to provide for, regulate and clarify venue between the two divisions of said court; further to provide for the summoning and service of grand and petit jurors in the two divisions of said court; to provide that the district court serving Marshall County or any similar court shall have the same geographical divisions and jurisdiction as the circuit court and that all provisions relating to venue between the two divisions of the circuit court of Marshall County shall apply to such court; and to repeal and supersede existing laws in conflict with this act.

Also:

H. 669. Relating to Sumter County, levying a fee on all hazardous and non hazardous waste stored, deposited or dumped at a disposal site pres-

ently known as Chemical Waste Management, Inc., near Emelle, Sumter County, Alabama; providing for the collection of said fee; providing for the disbursement of said fee; providing for the organizing of the North Sumter County Development Authority; and providing penalties for violation.

Also:

H. 760. Relating to Madison County; there is hereby established in Madison County, Alabama, a Special Services Division of the District Attorney's Office of the Twenty-Third Judicial Circuit.

Also:

H. 45. Relating to Mobile County; further providing for the distribution and transfer to the General Fund of Mobile County of certain license taxes collected and distributed in accordance with Act No. 162, Acts of Alabama 1963 and Act No. 82-344, Acts of Alabama 1982, which funds are to be designated for the provision of medical care to the medically indigent citizens of Mobile County.

Also:

H. 350. To amend Section 11-52-3, Code of Alabama 1975, to make certain provisions applicable to Class I municipalities and to provide for the appointment by the mayor or any council member serving as a member of a municipal planning commission of a Class I municipality to appoint a supernumerary member to be counted for quorum purposes and to act with all powers of a regular member whenever such municipal officer is not present.

Also:

H. 635. To authorize and empower the Mobile County Commission to grade all county dirt surfaced roads traveled by rural mail carrier for the United States Post Office Department provided that the land owners along such roads are willing to donate to the county the rights-of-way necessary for such grading projects.

Also:

H. 636. To authorize the Circuit Judge assigned to the Department of Investigation and Recovery of the Thirteenth Judicial Circuit, Mobile County, to select and appoint an Administrative Secretary, to provide for the salary of such Administrative Secretary, and the method of payment of such Administrative Secretary.

Also:

H. 637. Proposing an amendment to the Constitution of Alabama authorizing the Mobile County Commission to provide a health insurance plan for retired county employees at its discretion.

Also:

H. 676. Relating to Mobile County; providing for an annual distribution to the Historic Mobile Preservation Society for payment of utilities at Oakleigh Antebellum House Museum from funds received by the county for the City of Mobile from the additional state sales tax levied on alcoholic beverages by Section 28-3-280 and 28-3-281, Code of Alabama 1975.

Also:

H. 721. Relating to Jefferson County; to regulate further the taking of fish from public streams and impounded waters in such county except in

municipal parks; authorizing the taking of non-game fish by the use of wire mesh baskets, on which a privilege license tax has been paid; prohibiting the sale of fish so taken; prescribing penalties for violation of this Act.

McDOWELL LEE,
Secretary.

MOTION TO ADJOURN LOST

The motion offered by Rep. Minus that the House adjourn until 12:00 o'clock noon, Wednesday, July 13, 1983, was lost.

Yeas 8; Nays 73.

Yeas: Reps.: Gaston, Harper, McMillan, Minus, Rice, Scott, Turnham and White (F).

—8

Nays:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Blake, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Coburn, Coleman, Cosby, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Ford, Freeman, Goodwin, Grimsley, Grouby, Hall, Hettinger, Holley, Horn, Howard, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Kvalheim, Langford, Lauderdale, Layton, Mathis, Melton, Mitchell, Moore, Murphy, Nevett, Newman, Owens, Parker, Poole, Preuitt, Rains, Richardson, Smith, Starkey, Starr, Stout, Thomas, Trammell, Turner, Venable, Warren, White (L), Williams, Wilson and Wright.

—73

H. R. 377 RESUMED

On motion of Rep. Casey, the resolution, H. R. 377, was adopted.

RESOLUTION

The following resolution was introduced:

By Reps. Smith, Butler, Dutton, Blakeney, Richardson, Mathis, Penry, Grimsley, Bowling, Faulk, Preuitt, White (F), Rains, Harvey and Hall:

H. J. R. 378. COMMENDING THE ALABAMA DEPARTMENT OF AGRICULTURE AND INDUSTRIES ON THE OCCASION OF THE DEPARTMENT'S 100th ANNIVERSARY.

WHEREAS, the Alabama Department of Agriculture and Industries was created as the Department of Agriculture by legislative act in February 1883, becoming operational on September 1 of that year in its original location at what is now Auburn University; the department was moved to the State Capitol in Montgomery in 1886; and

WHEREAS, the department's first few commissioners were by gubernatorial appointment for terms of two years, a determination altered by a legislative act in 1891 to require election by popular vote; adoption of the 1901 Constitution brought about two additional changes with the designation "and Industries" added to the department's title and a change to four-year terms for the department's chief administrator; and

WHEREAS, during the past 100 years, other modifications have drastically altered the functions, structure and responsibilities of the department,

with the first major reorganization taking place in 1923 with the passage of the Agricultural Code of Alabama; this Act served as the basic legislative foundation of the current department and its activities; additional code revisions have also further increased the responsibilities and powers of the department, and the Commissioner has been charged with the authority to reorganize the department at his discretion within the basic foundation as set out by law; and

WHEREAS, the department is now under the central authority of the State Board of Agriculture and the basic organizational framework consists of some ten divisions; a state laboratory has also been established, as has the Alabama Industrial Board to oversee the Industry Section of the department; and

WHEREAS, today the State Department of Agriculture and Industries is housed in a spacious modern facility with offices for the Commissioner and all divisions, as well as Food and Drug, Agricultural, Chemical and Petroleum laboratories; other laboratories are located in Auburn, Elba, Albertville and Dothan, and shipping point inspection stations throughout Alabama; and

WHEREAS, thus, with a budget of over $14 million, 300 full-time and more than 300 part-time workers, the State Department of Agriculture and Industries continues to serve Alabama farmers and consumers as it has for 100 years, its Commissioner and employees charged with regulatory and promotional responsibilities that touch the lives of all Alabamians; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we extend heartiest congratulations and utmost commendation to the Commissioner of Agriculture and Industries and to all employees in this, the 100th year of the Department's invaluable service to the State of Alabama.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided for Commissioner Albert McDonald on behalf of the entire Department of Agriculture and Industries.

On motion of Rep. Smith, the rules were suspended and the resolution, H. J. R. 378, was adopted.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Reps. Clark and Buskey (With Notice and Proof):

H. 859. Relating to the City of Prichard, Mobile County and the pension and retirement fund for such city; amending further Sections XII and XXII of Act No. 235, H. 290, of the 1963 Regular Session (Acts 1963, p. 636) as last amended, relating to the payment eligibility and the formula therefor of certain retirees, and persons who leave city service before retirement, so as to provide that all monies contributed by the member to such fund and increases for retirees.

Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 859, AS REQUIRED IN THE GENERAL

ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Coleman and Rains (With Notice and Proof):

H. 860. Relating to Marshall County; to further regulate the appropriation and distribution of Tennessee Valley Authority funds paid in-lieu-of-taxes.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 860, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Coleman and Rains (With Notice and Proof):

H. 861. To authorize the Marshall County Commission to provide protection of forests from fires, insects, disease and other pests within the county and to assess the whole or a part of the costs thereof, within a prescribed limit, against forest lands in the county and to prescribe the procedure for levying and collecting such assessments.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 861, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Coleman and Rains:

H. 862. To propose an amendment to the Constitution to provide that the legislature may, by local law, authorize the county governing body of Marshall County to further promote and provide forest fire protection within the county, assess in whole or part the cost thereof by levying a tax on lands other than on ad valorem basis; it prescribes the manner for levying, collecting and distributing such assessments.

Local Legislation No. 1.

The above bill was read a first time at length as required by the Constitution.

By Reps. Ashley, Lauderdale, Dutton, Albright and Hall:

H. 863. To propose an amendment to the Constitution of Alabama of 1901 requiring that the State Superintendent of Education be elected.

Education.

The above bill was read a first time at length as required by the Constitution.

By Reps. Nicholson and Brakefield (With Notice and Proof):

H. 864. Relating to Walker County; to provide for a county legislative delegation office; to require that the county commission shall provide office space, furniture, equipment, supplies, and a salary for either a secretary or office manager who shall be hired and shall serve at the pleasure of the

Walker County legislative delegation.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 864, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Nicholson and Brakefield (With Notice and Proof):

H. 865. Establishing the powers and authority of district attorney's investigators of the fourteenth judicial circuit of Alabama.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 865, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Johnson (RG) (With Notice and Proof):

H. 866. Relating to Coosa County; providing that any real estate deed presented for filing and recording in the office of the judge of probate shall contain certain information on the face of the instrument relating to the ad valorem tax notice on such real estate.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 866, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Johnson (Roy):

H. 867. To amend Sections 40-17-130, 40-17-131 and 40-17-132 of the State of Alabama 1975, relating to gasohol so as to define the term "alcohol blended fuel" and provide for said motor fuel the same tax exemptions extended to gasohol.

Ways and Means.

By Rep. Johnson (Roy):

H. 868. To amend Section 12-15-6, Code of Alabama 1975, so as to specifically provide that a juvenile court judge may delegate authority to perform certain judicial and quasi-judicial actions to the juvenile court referee in the absence of the juvenile court judge or at any time that the judge feels such delegation to be necessary to the efficient operation of the court and to provide an effective date.

State Administration.

By Rep. Smith (With Notice and Proof):

H. 869. Relating to Chilton County; to provide for an additional expense allowance for the county coroner.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS AT-

TACHED TO THE BILL, H. B. 869, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Langford (With Notice and Proof):

H. 870. Relating to Montgomery County; to amend Act No. 429, H. 934 of the 1961 Regular Session (Acts of 1961, p. 466), so as to authorize the Montgomery County Commission to employ administrative assistants, which persons must have obtained the age of 62 years and served 16 years as a member of the governing body of said county.

Local Legislation No. 4.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 870, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Kvalheim, Gaston, Zoghby, McMillan, Harper, Clark, Buskey, Turner and Box:

H. 871. To prohibit public and private motor vehicle carriers from transporting hazardous or flammable materials through tunnels; to provide for jurisdiction of certain law enforcement officers; and to provide penalties for violations.

Highway Safety.

By Rep. Albright (With Notice and Proof):

H. 872. To authorize the governing body of the City of Huntsville in Madison County to regulate and permit the sale and consumption of alcoholic beverages upon the licensed premises of licensees of the Alabama Alcoholic Control Board and licensees of the City of Huntsville on Sunday; to provide that the provisions of this act are cumulative, and that the act shall not be held to repeal any other general or special act; and to provide an effective date for this act.

Local Legislative No. 4.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 872, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Albright (With Notice and Proof):

H. 873. Relating to the City of Huntsville; to provide for expense allowances for members of the Huntsville Board of Education; and to provide that such expense allowances shall be paid from the same source as such boards other compensation and in addition to all other compensation provided for by law.

Local Legislation No. 4.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 873, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Moore (With Notice and Proof):

H. 874. To alter, rearrange and extend the boundaries and corporate limits of the City of Columbiana, Alabama, so as to incorporate certain territory as described herein.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 874, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Harvey (With Notice and Proof):

H. 875. To alter or rearrange the boundary lines of the Town of Snead, Blount County, Alabama, so as to include within the corporate limits of said Town all territory now within such corporate limits and also certain other territory contiguous thereto, in Blount County, Alabama.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 875, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Buskey (With Notice and Proof):

H. 876. Relating to Mobile County; to amend Act 2431, H. 2569, Regular Session 1971 (Acts 1971, p. 3880), as subsequently amended, which created the Mobile County Racing Commission, so as to provide further for the compensation and qualifications of commission members; to regulate the time period of permits or licenses; to authorize additional types of pools and bets; and to provide for the bank deposit of funds.

Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 876, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Harper:

H. 877. Regulating greyhound racing in the several counties of this state; prescribing procedure for certifying certain greyhounds bred in this state; providing for a state breeders license; providing for admission of certain greyhounds to schooling and regular races; and prescribing remedies and penalties for violation.

Ways and Means.

By Rep. Harper (With Notice and Proof):

H. 878. Relating to Mobile County; authorizing the judge of probate to sell lists of voters to certain candidates and providing for the disposition of funds from said sales.

Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 878, AS REQUIRED IN THE GENERAL

ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Harper (With Notice and Proof):

H. 879. Relating to Mobile County; providing further for the qualifications and duties of constables.

Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 879, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Harper (With Notice and Proof):

H. 880. Relating to Mobile County; to provide for a referendum election to determine whether the Mobile County Commission shall provide for a leash law in the unincorporated areas of the county; to empower the county commission to adopt and enforce such leash law contingent upon such referendum approval by the qualified electors of the county and to provide that the county commission may contract with an incorporated municipality in the county for enforcement of such law.

Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 880, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Biddle and Davis (With Notice and Proof):

H. 881. To establish service territories for electric suppliers in and around Tarrant City, Jefferson County, Alabama; to declare that it is the policy of the State of Alabama to ensure effective, economical and orderly supply of electric service at retail to customers in and around Tarrant City and to avoid unnecessary duplication of facilities by electric suppliers for the furnishing of retail electric service; to provide procedures for eliminating or reducing the potential for duplication of electric distribution facilities in and around Tarrant City by adopting and mandating that the procedures for elimination and prevention of the duplication of electric distribution facilities set forth in that certain agreement between Tarrant City and Alabama Power Company dated June 8, 1983 shall be the law of this State.

Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 881, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Gaston and Kvalheim (With Notice and Proof):

H. 882. Relating to any Class 2 municipality; providing for a referendum on the question of adoption of a mayor-council form of government, a council-manager form of government, or a federal court-ordered district-commission form of government; establishing in the alternative said forms of government; and providing for penalties for violations of certain provi-

sions of this act.

Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 882, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Smith:

H. 883. To amend Section 13A-11-8, Code of Alabama 1975, which provides for the crime of harassment or harassing communications, so as to provide further for said crime.

Judiciary.

By Rep. Poole (With Notice and Proof):

H. 884. To provide that the Pickens County Commission shall locate, construct, maintain and repair all Pickens County public roads, bridges, ferries and public buildings as a single centralized road system, without regard to commissioner district, beat or precinct lines; to further define the duties and powers of said Commission and its members; to provide for the employment of a County Engineer and to fix and define their respective duties and to provide for and fix the amount of his bond and to provide for the manner of approval of and payment of premiums on said bond; to further fix and define the duties and authority of the Chairman of the Pickens County Commission and other members of said Commission; to fix and define the manner of making requisition for road, bridge and public building construction and maintenance equipment, supplies and materials and for the issuance of purchase orders for same; to provide for the fixing of a scale of wages and salaries; to designate the County Engineer as the custodian of all vehicles, machinery, equipment, supplies and materials relating to the planning, construction and maintenance of all public roads and bridges in Pickens County; to provide for the appropriation of road, bridge and public building funds, gasoline tax funds, general fund, highway and traffic fund, and all and other public monies normally coming under the control of County Commissions, and for the manner of expenditure and budgetary control of same; and to order an election in Pickens County on the question of whether this Act shall become effective and a centralized road system thereby instituted in Pickens County; and to provide that this Act shall become effective only if a majority of those voting at said election vote in favor of effectuating the Act and instituting a centralized road system in Pickens County.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 884, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Poole (With Notice and Proof):

H. 885. To levy a finance charge or a tax of ten cents per acre to be assessed against lands located in Hale County, Alabama, which are used for timber growing purposes, to provide protection against forest fires within Hale County; to provide for a referendum on the question; and prescribing

the procedure for the collection of such assessments.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 885, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. McMillan and Penry (With Notice and Proof):

H. 886. Relating to Baldwin County; to provide for the levying of a county motor vehicle license tax and registration fee; to provide for the administration and collection of said tax and fee; and to provide that the net proceeds therefrom shall be paid into the county general fund.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 886, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Hammett (With Notice and Proof):

H. 887. To provide for redivision of the county commissioner's districts in Covington County, Alabama; to provide for an advisory referendum on the question of the provisions of this act.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 887, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Hammett (With Notice and Proof):

H. 888. Relating to Covington County; providing for the distribution of certain road and bridge money; and providing an advisory referendum thereon.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 888, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Turnham (With Notice and Proof):

H. 889. Relating to Lee County, providing further for the registration fees on mobile homes; providing further for the distribution of such fees; providing for an effective date; and repealing Act No. 481, H. 1193, 1976 Regular Session (Acts 1976, p. 597).

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 889, AS REQUIRED IN THE GENERAL

ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Carothers, Mathis and Grimsley (With Notice and Proof):

H. 890. Relating to Houston County; to provide for an expense allowance for the members of the county board of education and to repeal certain conflicting laws.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 890, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Starr, Wilson, Langford, Thomas, McKee and Holmes (With Notice and Proof):

H. 891. Relating to Montgomery County; to amend Sections 5, 7 and 8 of Act No. 833, H. 1100 of the 1969 Regular Session of the Alabama Legislature (Acts 1969, p. 1522), as amended, relating to the retirement system for employees of Montgomery County, so as to grant authority to the Montgomery County Commission to adopt tables upon which to base discretionary annual valuations of assets and liabilities of the Montgomery County Retirement System; to require that such valuations be made at least once in each five-year period; to grant power to the Montgomery County Commission to determine, at its discretion, the interest rate earned on the funds of the Montgomery County Retirement System; to provide for the payment of administration expenses of the Montgomery County Retirement System; and, to allow available monies not exceeding ten per centum of the total assets of the Montgomery County Retirement System to be held in non-interest bearing accounts.

Local Legislation No. 4.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 891, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Nicholson an Brakefield (With Notice and Proof):

H. 892. Relating to the fourteenth judicial circuit; creating a position of felony investigator for the district attorney of such circuit and providing for the powers, duties and compensation of such investigator.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 892, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Zoghby and Buskey (With Notice and Proof):

H. 893. Relating to any Class 2 municipality; providing for a referendum on the question of adoption of a mayor-council form of government or a council-manager form of government; establishing in the alternative said forms of government; and providing for penalties for violations of certain

provisions of this Act.

Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 893, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Zoghby and Turner:

H. 894. To amend section 43-2-42 of the Code of Alabama 1975, which relates to the order of preference in the right to administer an intestate's estate, so as to provide further for the order of granting said right of administration in counties where the general administrator is elected by vote of the people.

Judiciary.

By Rep. Casey:

H. 895. To authorize the State Industrial Development Authority to sell and issue from time to time its bonds not exceeding $6,000,000 in principal amount in addition to those heretofore authorized to be issued by it; to prescribe certain additional powers and duties of the Authority; including (a) the power to make grants from the proceeds of the said additional bonds to counties, municipalities, and local industrial development boards, subject to certain limitations, for the purposes of making certain local surveys incidental to industrial development and to grade and drain industrial sites and the means of access thereto and (b) the power to establish a revolving loan fund of up to $3,000,000 from the proceeds of the said additional bonds, and to make loans from such fund to local industrial development boards, subject to certain limitations, for the purpose of encouraging construction of buildings for industrial development purposes, with such loans to be made on a participating basis and to be repaid by any recipient board upon entry into a lease or sale of any such building; to provide that the Authority may issue and sell such bonds for the purpose of making the said grants and loans; to provide for the execution, form and terms of such bonds and for the terms of sale thereof; to provide that such bonds and the income therefrom shall be exempt from taxation, that such bonds may be used to secure deposits of funds of the state and its political subdivisions, instrumentalities and agencies, shall be legal for investment of fiduciary funds and funds of the Teachers' Retirement System of Alabama, the Employees' Retirement System of Alabama, and the State Insurance Fund, and shall not create an obligation or debt of the state; to provide for the deposit, investment and disposition of the proceeds of the sale of the bonds of the Authority; to make an appropriation and pledge of funds from the special tax levied by Sections 40-25-2 and 40-25-23, Code of Alabama 1975, to the extent necessary to pay the principal of and interest on bonds of the Authority; to authorize the Authority to pledge the funds so appropriated for the payment of the principal of and interest on its bonds; to provide that such principal and interest shall be payable solely from the funds so appropriated; and to provide that the state treasurer shall be the custodian of the funds of the Authority.

Ways and Means.

By Rep. Casey (With Notice and Proof):

H. 896. Relating to Cleburne County; providing for the establishment

of a consolidated and unified system for assessment and collection of taxes, under the supervision of an elected county official designated as county revenue commissioner, providing for the compensation of such official, abolishing the offices of tax assessor and tax collector, and repealing conflicting laws.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 896, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Casey (With Notice and Proof):

H. 897. Relating to Cleburne County; fixing the fee for the issuance of pistol permits and providing for the disposition of such fees.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 897, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Casey (With Notice and Proof):

H. 898. Relating to Cleburne County; to provide for an optional system of motor vehicle tag and decal purchasing by mail; to authorize an additional fee for mailing tags; to provide for the disposition of such fees; and to provide that the county commission shall provide such necessary space, personnel, equipment and supplies.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 898, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Casey (With Notice and Proof):

H. 899. Relating to selling and redeeming lands for taxes in Cleburne County, Alabama.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 899, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Casey (With Notice and Proof):

H. 900. Relating to Cleburne County; to provide for the mailing addresses of the grantors and grantees to appear on all conveyance of real property recorded in the probate office of such county.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 900, AS REQUIRED IN THE GENERAL

ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Casey:

H. 901. To amend Chapter 7 of Title 32 of the Code of Alabama 1975 commonly known as the Motor Vehicle Safety-Responsibility Act by amending Sections 32-7-5, 32-7-6, 32-7-16 and 32-7-23 thereof so as to increase the amount of property damage which must be sustained to require an accident report to be filed and to provide what the term "uninsured motor vehicle" shall include under the uninsured motorist coverage section of the Motor Vehicle Safety-Responsibility Act, increases the amount of payment on judgments necessary to satisfy the requirements of the Motor Vehicle Safety-Responsibility Act, and to increase the minimum amount of liability required under a motor vehicle liability policy under the Motor Vehicle Safety-Responsibility Act.

State Administration.

By Rep. Casey (With Notice and Proof):

H. 902. To authorize the Clay County Commission to provide protection against forest fires within the county and to assess the whole or a part of the cost thereof, within a prescribed limit, against forest lands in the county and to prescribe the procedure for levying and collecting such assessments.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 902, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Casey:

H. 903. To amend Section 40-25-23, Code of Alabama 1975, so as to reallocate a portion of the revenues derived from the taxes levied upon cigarettes authorized by Sections 40-25-2 and 40-25-41, Code of Alabama 1975, and to appropriate so much of these revenues as may be necessary for the retirement of additional bonds of the State Industrial Development Authority not exceeding $6,000,000 in aggregate principal amount.

Ways and Means.

By Rep. Manley (With Notice and Proof):

H. 904. Relating to Marengo County, providing for the establishment of a consolidated and unified system of assessment and collection of taxes under the supervision of an elective county official designated as county revenue commissioner; prescribing the powers, duties, term of office and compensation of said county revenue commissioner, and providing for his election; abolishing the county offices of tax assessor and tax collector in Marengo County; repealing conflicting laws; providing for a referendum and prescribing the effective date of this act.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 904, AS REQUIRED IN THE GENERAL

ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Flowers (With Notice and Proof):

H. 905. To authorize the Barbour County Commission to compensate a Clerk in the Sheriff's Office.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 905, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Manley:

H. 906. To propose an amendment to the Constitution of Alabama of 1901, to levy and collect an additional property tax within the Marengo County School District for public education purposes.

Local Legislation No. 1.

The above bill was read a first time at length as required by the Constitution.

By Reps. Hettinger and Brooks (With Notice and Proof):

H. 907. Relating to Madison County, providing further for the salary of the county coroner and repealing that portion of Act No. 79-505, S. 611, 1979 Regular Session, that is in conflict herewithin.

Local Legislation No. 4.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 907, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Hettinger and Brooks (With Notice and Proof):

H. 908. Relating to Madison County; providing further for the compensation of the circuit clerk.

Local Legislation No. 4.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 908, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Hettinger and Brooks (With Notice and Proof):

H. 909. Relating to Madison County; providing further for the compensation of the members of the county board of education and repealing that portion of Act No. 79-505, S. 611, 1979 Regular Session, that conflicts herewith.

Local Legislation No. 4.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 909, AS REQUIRED IN THE GENERAL

ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Hettinger and Brooks (With Notice and Proof):

H. 910. Relating to Madison County; providing further for the salary of the members of the county commission and repealing that portion of Act No. 79-505, S. 611, 1979 Regular Session, that is in conflict herewith.

Local Legislation No. 4.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 910, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Hettinger (With Notice and Proof):

H. 911. Relating to Madison County; providing further for the expense allowance of the chairman and members of the county commission and repealing that portion of Act No. 82-373, H. 712, 1982 Regular Session, which conflicts herewith.

Local Legislation No. 4.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 911, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Hettinger and Brooks (With Notice and Proof):

H. 912. Relating to Madison County; providing further for the salary of the judge of probate and repealing that portion of Act No. 79-505, S. 611, 1979 Regular Session, that is in conflict herewith.

Local Legislation No. 4.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 912, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Hettinger and Brooks (With Notice and Proof):

H. 913. Relating to Madison County; providing further for the salary of the chairman of the county commission and repealing that portion of Act No. 79-505, S. 611, 1979 Regular Session, that is in conflict herewith.

Local Legislation No. 4.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 913, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 AT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Hettinger and Brooks (With Notice and Proof):

H. 914. Relating to Madison County, to increase the compensation of the sheriff and to repeal certain conflicting laws.

Local Legislation No. 4.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 914, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Manley:

H. 915. To amend Section 32-8-87 of the Code of Alabama 1975, relating to the motor vehicle antitheft laws, so as to correct an editorial error appearing in subsection (e) of such section by making such subsection read as it does in enrolled Act No. 765 of the 1973 Regular Legislative Session from which it was codified.

Judiciary.

By Reps. Moore, Murphy and Smith (With Notice and Proof):

H. 916. Relating to Shelby County; providing further for the licensing of retailers of alcoholic beverages.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 916, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Martin (With Notice and Proof):

H. 917. Relating to Utilities in the City of Decatur in Morgan County; Providing that the City of Decatur Sanitation Department, the Decatur-Morgan County Landfill, and the Decatur Utilities Board shall not provide in any year more than a five percent increase in certain services over that amount provided from July 1, 1982, to June 30, 1983, without approval of the Decatur City Council.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 917, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

RESOLUTIONS

The following resolutions were introduced:

By Rep. Turnham:

H. J. R. 379. COMMENDING DR. HENRY PORTER ORR FOR OUTSTANDING SERVICE TO AUBURN UNIVERSITY.

WHEREAS, Dr. Henry Porter Orr, Professor of Horticulture at Auburn University, has retired after 34 years of service; and

WHEREAS, his retirement ended an outstanding career of providing leadership in horticulture, said leadership being of such quality as to inspire those with whom he was associated; and

WHEREAS, Dr. Orr, as teacher and advisor, made significant contributions to horticulture in Alabama and the nation, made lasting impressions on Auburn horticultural students and, as a citizen, served well his community, state and nation; and

WHEREAS, he served the Alabama Nurseryman's Association, the Alabama Florist's Association, and the Alabama Garden Clubs with distinction in many capacities for more than 30 years; and

WHEREAS, Dr. Orr has opened his house (Ivy) and grounds to both students and guests of Auburn University, extending exceptional hospitality to all; and

WHEREAS, he has dedicated his life to making Alabama a more beautiful and healthy place in which to live, and has made his love of plants contagious to all those with whom he has been in contact; and

WHEREAS, Dr. Orr has received many awards for his professional accomplishments including the L. M. Ware Teaching Award, International Shade Tree Conference Award, Garden Club of Alabama Special Award for Outstanding Achievement and the Garden Club of Alabama Distinguished Award; and

WHEREAS, the Board of Trustees has approved the naming of the new vinery in the Auburn University Arboretum in his honor which shall hereafter be known as the Henry P. Orr Vinery; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we officially join in the naming of this part of the Auburn University Arboretum for Henry P. Orr and express our sincere appreciation to him for his many years of service to our state; we further most highly commend Dr. Orr on his illustrious career and express all best wishes for his every future success and happiness.

On motion of Rep. Turnham, the rules were suspended and the resolution, H. J. R. 379, was adopted.

RULE SUSPENDED

On motion of Rep. Johnson (Roy), Rule 5(3) was suspended in order to allow introduction of General House bills after the twenty-fourth legislative day.

Also:

By Reps. Turner, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drake, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby:

H. J. R. 380. COMMENDING THE EMPLOYEES OF THE CIBA-GEIGY CORPORATION'S McINTOSH, ALABAMA, PLANT.

WHEREAS, it is with great pleasure and in utmost commendation that the Alabama Legislature notes a recent milestone accomplishment of the 1100 employees of the Ciba-Geigy Corporation's McIntosh, Alabama, plant;

and

WHEREAS, July 8, 1983, was the date of record which marked the 11th time that Ciba-Geigy's McIntosh employees have reached the ambitious goal of working one million hours without a lost-time injury; and

WHEREAS, this amazing record was first reached in 1972, and has been repeated in 1974, 1976, twice in 1977, and again each year from 1978 to date; and

WHEREAS, Ciba-Geigy's McIntosh plant also holds the corporate safety record, which was set in 1978, of 3,127,500 hours without lost-time injury, a mark the employees now strive to surpass with their new goal of 3½ million; and

WHEREAS, further, the McIntosh plant's safety program has received recognition outside the corporation with the Award of Merit presented by the National Safety Council, the highest honor that can be earned by an industry in the field of safety; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we herein most highly commend the employees of Ciba-Geigy's McIntosh, Alabama, plant on their enviable safety record; we further direct that a copy of this resolution be forwarded to the plant manager, Dr. Roland Pelt, on behalf of all employees and in token of our sincere consensus of praise.

On motion of Rep. Turner, the rules were suspended and the resolution, H. J. R. 380, was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bills and Senate Joint Resolution, your signature thereto is requested:

S. J. R. 239. COMMENDING HALE MEMORIAL HOSPITAL UPON ITS ACCREDITATION.

Also:

S. 40. To establish a procedure for the filling of vacancies in the state merit system by certain employees who are terminated from employment by means of a lay off.

Also:

S. 80. To amend Section 32-13-3 and Section 32-13-4, Code of Alabama 1975, in order to provide for notice by newspaper publication of the sale of an abandoned motor vehicle, to provide for notice by certified mail to the owner, secured parties or lienholders of the sale of an abandoned motor vehicle, and notice by newspaper publication if the name and address of the owner, secured parties or lienholders are unknown or cannot be reasonably ascertained, and to provide for a hearing in District Court or Circuit Court, on application of the owner, secured parties or lienholders, to determine if the vehicle is abandoned and should be sold.

Also:

S. 120. To amend the Alabama Business Corporation Act so as to provide the procedure for acquisition of stock in any corporation through ex-

change of stock by another corporation; to provide for the right of a shareholder to dissent from such exchange; to prescribe a dissenting shareholder's rights; to provide that the provisions of the Act are severable; and to prescribe an effective date.

Also:

S. 174. To amend Subsection 11-58-2(a) of the Code of Alabama 1975 in order to broaden the statement of the purposes of medical clinic boards to include as one of such purposes the acquisition of facilities for the housing and care of elderly persons and to amend the definition of "medical clinic" contained in § 11-58-1 of the Code of Alabama 1975 in order to include domiciliary facilities so long as any such facility is required to be licensed by any federal, state or local agency having jurisdiction in the planning or operation of health care facilities or is owned or operated in conjunction with any nursing home.

Also:

S. 250. Relating to persons in the employment of the state and the right of such persons to participate in political activities and the improper use of position to influence votes or political actions; amending Sections 17-1-7 and 36-26-38, Code of Alabama 1975, relating to political activities of public employees, the prohibition of such political activities; and the improper use of official authority or position for political purposes, so as to prescribe that persons in the employment of the state shall have the same political rights as other citizens of the state and to prohibit such employee using state property or state time to promote such activities; and providing further for the prohibition of certain political activities and the improper use of official authority or position.

Also:

S. 331. To make an appropriation in the amount of Six Million Five Hundred Thousand Dollars ($6,500,000), consisting of a supplemental appropriation for the period ending September 30, 1983 and an appropriation for the period commencing October 1, 1983 and ending December 31, 1983, from monies comprising Trust Capital of The Alabama Heritage Trust Fund created by an amendment to the Constitution of Alabama of 1901, proposed by Act No. 81-1178, 1981 Third Special Session, for the purpose of payment by the State of Alabama of expenses requisitioned on or prior to midnight December 31, 1983 by the Alabama Housing Finance Authority in the exercise of the powers granted to it by law.

Also:

S. 389. To provide further for the Alabama Housing Finance Authority; to amend Section 24-1A-4 of the Code of Alabama 1975, relating to the membership and appointments of the authority so as to increase the membership and to provide further as to qualifications and terms of members; and to amend Section 24-1A-9 of the Code of Alabama 1975, which limits the period for the issuance of bonds.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE BILLS AND SENATE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present,

signed the Senate Bills and Senate Joint Resolution, the titles of which are set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bill and Senate Joint Resolutions, your signature thereto is requested:

S. 93. Relating to the state merit system; amending Section 36-26-5, Code of Alabama 1975, relating to the composition of the state personnel board, so as to provide further for its composition, and amending Section 36-26-27, Code of Alabama 1975, which provides for the disciplining and dismissals of employees in the state classified service so as to provide further for such procedures.

Also:

S. J. R. 218. CONGRATULATING SOUTH HIGHLANDS HOSPITAL UPON ACCREDITATION.

Also:

S. J. R. 219. CONGRATULATING THE EYE FOUNDATION HOSPITAL UPON ACCREDITATION.

Also:

S. J. R. 220. CONGRATULATING LAWRENCE COUNT ACCREDITATION.

Also:

S. J. R. 222. CONGRATULATING THE COMMUNITY HOSPITAL OF BIRMINGHAM UPON ACCREDITATION.

Also:

S. J. R. 223. RELATING TO MEMBERS OF THE SOUTHERN STATES ENERGY BOARD AND THE SOUTHERN GROWTH POLICIES BOARD.

Also:

S. J. R. 232. COMMENDING JOSEPHINE E. AYERS OF THE ALABAMA SHAKESPEARE FESTIVAL.

Also:

S. J. R. 234. COMMENDING WEST ALABAMA GENERAL HOSPITAL UPON ITS ACCREDITATION.

Also:

S. J. R. 235. MEMORIALIZING THE PRESIDENT AND CONGRESS TO DO ALL WITHIN THEIR POWER TO RAISE THE RIDICULOUSLY LOW PRICES BEING PAID AMERICAN FARMERS.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE BILL AND SENATE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately

after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Bill and Senate Joint Resolutions, the titles of which are set out in the above and foregoing Message from the Senate.

RESOLUTION

The following resolution was introduced:

By Reps. Wright and Layton:

H. R. 381. REQUESTING THAT THE SHERIFF'S DEPARTMENT IN JEFFERSON COUNTY USE DRUG DETECTION DOGS ON VISITS TO EACH JUNIOR AND SENIOR HIGH SCHOOL AT LEAST TWICE EACH MONTH.

WHEREAS, the use of drugs is becoming more prevalent among junior and senior high school students; and

WHEREAS, this use of drugs can destroy the lives of these fine young people; and

WHEREAS, the use of drug detecting dogs has been found to be a superb deterrent to the use of drugs among junior and senior high school students; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE ALABAMA LEGISLATURE, That the sheriff's department of Jefferson County is hereby requested and encouraged to use drug detecting dogs on visits to each junior and senior high school in the county at least twice each month.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to the sheriff of Jefferson County.

MOTION TO SUSPEND RULES AND ADOPT LOST

The motion offered by Rep. Wright to suspend the rules and adopt the resolution, H. R. 381, was lost.

The resolution, H. R. 381, was read and referred to the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 484. To provide for and create the Macon County Racing Commission for the regulating, licensing, and supervision of greyhound racing and wagering thereon; to prescribe the composition, appointment, powers, and duties of the Racing Commission; to provide for and regulate the parimutuel or certificate method of wagering within the enclosure of licensed race tracks; to provide for the distribution of license fees, taxes, commissions, and other monies received under the provisions of the Act; to provide certain penalties for the violation of this Act and for other purposes relative thereto; to provide for a referendum of the voters of the county on the question of whether the Act will become effective in the county.

And finds same correctly enrolled.

JOHN S. CASEY,
Chairman.

SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to wit:

H. J. R. 210. CREATING THE MADISON COUNTY TAX DISTRIBUTION STUDY COMMITTEE.

Also:

H. J. R. 257. COMMENDING MR. GEORGE ROBERTS, PROMINENT LIMESTONE COUNTY EDUCATOR.

Also:

H. J. R. 261. COMMENDING THE G. W. CARVER HIGH SCHOOL WOLVERINES.

Also:

H. J. R. 262. COMMENDING THE ULLMAN HIGH SCHOOL CLASSES OF 1958, 1959, 1960 AND 1961, ON THE OCCASION OF THEIR REUNION.

Also:

H. J. R. 263. IN REMEMBRANCE OF THE LATE DR. GEORGE C. BELL.

Also:

H. J. R. 264. COMMENDING DR. CHARLES L. PAYNE FOR BEING SELECTED "OUTSTANDING ADMINISTRATOR OF THE YEAR" FOR 1982-83.

Also:

H. J. R. 266. MOURNING THE DEATH OF MR. JULIAN W. HALL OF MOBILE, ALABAMA.

Also:

H. J. R. 267. CONGRATULATING STATE 2A BASEBALL CHAMPIONS, THE HOLTVILLE HIGH SCHOOL BULLDOGS.

Also:

H. J. R. 268. COMMENDING THE MEMBERS OF THE MADISON COUNTY ELECTED OFFICIALS SALARY COMMISSION.

Also:

H. J. R. 269. COMMENDING DR. JAMES F. VICKREY, PRESIDENT OF THE UNIVERSITY OF MONTEVALLO.

Also:

H. J. R. 289. COMMENDING AND SALUTING T. R. DUNN.

Also:

H. J. R. 291. COMMENDING MISS DONNA JEAN THORNTON OF NORTHPORT, ALABAMA, MISS WHEELCHAIR ALABAMA, 1983-1984.

Also:

H. J. R. 296. HONORING DR. E. D. NIXON OF MONTGOMERY, ALABAMA.

And finds same correctly enrolled.

JOHN S. CASEY,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 297. COMMENDING THE CHUCK WAGON GANG AND DESIGNATING THEM ALABAMA'S HONORARY "MINISTERS OF MUSIC."

Also:

H. J. R. 298. COMMENDING MISS PAM BATTLES OF MUSCLE SHOALS, MISS ALABAMA FOR 1983.

Also:

H. J. R. 299. COMMENDING MRS. BERTHA BERRY, NEWLY ELECTED STATE PRESIDENT OF THE ALABAMA JAYCEETTES.

Also:

H. J. R. 300. COMMENDING ALABAMA'S ADULT EDUCATORS.

Also:

H. J. R. 301. COMMENDING STEVE KITTRELL FOR ACCOMPLISHMENTS IN THE FIELD OF ATHLETICS.

Also:

H. J. R. 302. COMMENDING MISS EMMA ALLEN FOR OUT-

STANDING SERVICE TO THE ALABAMA LEGISLATIVE BLACK CAUCUS.

And finds same correctly enrolled.

JOHN S. CASEY,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

RESOLUTIONS

The following resolutions were introduced:

By Rep. Zoghby:

H. R. 382. REQUESTING AN ADVISORY OPINION OF THE JUSTICES OF THE SUPREME COURT RELATIVE TO H.B. 698 OF THE 1983 REGULAR SESSION.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, That we do respectfully request the Honorable Chief Justice and Associate Justices of the Supreme Court, or a majority of them, to give this body their written opinions of the following important Constitutional questions which have arisen concerning the pending H.B. 698 of the 1983 Regular Session, which bill pertains, inter alia, to any Class 2 municipality and provides for a referendum on the question of adoption of a mayor-council form of government or a council-manager form of government. It establishes in the alternative said forms of government and provides for penalties for violations of certain provisions. Said bill has been amended several times. Copies of said bill, as advertised and introduced, with amendments, are attached to this resolution and made a part hereof by reference.

1. Would the amendments to said H.B. 698 that have been adopted and proposed be violative of Section 106 and Amendment No. 397 of the Constitution of Alabama of 1901 and Section 11-40-13 of the Code of Alabama 1975, requiring advertisement of bills relating to certain classified municipalities under Section 11-40-12?

RESOLVED FURTHER, That the Clerk of the House is hereby directed to send sufficient copies of the pending H.B. 698, with amendments, to the Clerk of the Supreme Court of Alabama and to transmit this request to the Justices of the Supreme Court forthwith upon adoption of this Resolution.

On motion of Rep. Zoghby, the rules were suspended and the resolution, H. R. 382, was adopted.

Also:

By Reps. Coleman, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Cosby, Crow, Davis, Drake, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall,

Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby:

H. J. R. 383. COMMENDING MRS. LINDA BOWEN OF MONTGOMERY, ALABAMA, WHO EXEMPLIFIES THE INDEPENDENT AND PRODUCTIVE BLIND CITIZENS OF THE STATE OF ALABAMA.

WHEREAS, since 1979, Mrs. Linda Bowen has been in charge of the vending machines in the State Capitol and is responsible for purchasing merchandise, loading the machines, preparing sales reports and overseeing all other phases of this business activity; and

WHEREAS, Mrs. Bowen received her training in the Business Enterprise Program for the Blind at the E. H. Gentry Technical Facility in Talladega, Alabama, a program which is administered by the Division of Rehabilitation and Crippled Children Service of the State Department of Education; and

WHEREAS, it was at the E. H. Gentry Technical Facility that Mrs. Bowen met and married her husband, Mr. Gary Bowen, who also is a vendor with the Business Enterprise Program for the Blind; and

WHEREAS, Mrs. Bowen, who previously operated a business in Gadsden, also is active in community affairs, serving as secretary of the Montgomery Chapter of the Randolph-Sheppard Vendors of America and as a teacher of pre-school age children at Trinity Bible Church; and

WHEREAS, our friend, Mrs. Bowen, is a shining example of innumerable Alabamians who, despite their handicaps, are productive and responsible citizens to be emulated by all who success in life through the fruits of their own labor and the self-satisfaction of accomplishment; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Mrs. Linda Bowen of Montgomery, Alabama, and the innumerable independent and productive blind citizens throughout the entire State of Alabama.

BE IT FURTHER RESOLVED, That Mrs. Bowen receive a copy of this resolution tendered in sincere regard and in great admiration of her accomplishments.

On motion of Rep. Coleman, the rules were suspended and the resolution, H. J. R. 383, was adopted.

Also:

By Rep. Rains and Coleman:

H. J. R. 384. COMMENDING MRS. MONA FRICKS, DIRECTOR OF THE ALBERTVILLE LIBRARY, ALBERTVILLE, ALABAMA.

WHEREAS, the Alabama Legislature expresses utmost commendation of Mrs. Mona Fricks for outstanding service to the Albertville Library, Al-

bertville, Alabama; and

WHEREAS, Mrs. Fricks, who serves as library director, has been associated with the library since its establishment, and recently completed her "first 30 years" of outstanding service as a librarian; and

WHEREAS, during her distinguished tenure, Mrs. Fricks has seen the Albertville Library's collection grow from a few thousand books to some 57,000 volumes now on the shelves; also, there are 19,804 registered borrowers from throughout Marshall, DeKalb, Etowah and Blount Counties; and

WHEREAS, Mrs. Fricks indeed is to be commended for her long years of dedicated service and, most particularly, for her priority interest in the youth and students who have so greatly benefitted from her wise selection of available materials; and

WHEREAS, it is further to be most commendably noted that Mrs. Fricks, who was educated at the University of Alabama, has continued her training through additional studies at the University of Denver, and through attendance at numerous conferences and seminars; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Mrs. Mona Fricks of Albertville, Alabama, for outstanding service to the Albertville Library, and direct that she receive a copy of this resolution tendered in sincere warm praise and regard.

On motion of Rep. Rains, the rules were suspended and the resolution, H. J. R. 384, was adopted.

Also:

By Rep. Scott:

H. J. R. 385. PETITIONING THE SECRETARY OF TRANSPORTATION OF THE UNITED STATES DEPARTMENT OF TRANSPORTATION TO TRANSFER THE STATE OF ALABAMA FROM THE CENTRAL TIME ZONE TO THE EASTERN TIME ZONE.

WHEREAS, as a result of inclusion in the Central Time Zone, the State of Alabama and its citizens are adversely affected to a large degree and in a number of areas; and

WHEREAS, the vast majority of Alabama businesses receive goods and supplies from those states located in the Eastern Time Zone, thereby causing serious inconvenience to the commerce of the State of Alabama; and

WHEREAS, the convenience of travel also is greatly impaired due to the existing difference in the time zones of Alabama and those of states to our East where major transportation hubs and points of central distribution are located; and

WHEREAS, our state's vital tourist industry is detrimentally affected as well by the inconvenience of time zone discrepancies between points of high-traffic travel in Alabama and Eastern Time Zone states, adjacent or in close proximity; and

WHEREAS, further the quality of life for Alabama citizens, both individually and collectively, also suffers in great degree because of the state's Central Time Zone; those affected include: outdoor sportsmen, gardeners and part-time or full-time farmers; those involved in or affected by tourism, and the financial, transportation and communication industries; and those

involved with interstate corporations headquartered on the Eastern seaboard; and

WHEREAS, the safety, well-being and personal finances of our citizens are jeopardized in that darkness at an earlier hour greatly increases: (a) the number of traffic accidents and fatalities, (b) the cost of utilities for additional but unnecessary artificial lighting, and (c) the incidences of crime and violence; and

WHEREAS, the pre-mature darkness of Central Time also severely limits the mobility of the elderly and handicapped as well as opportunities for all Alabamians to attend major league sporting events and cultural activities in the Atlanta, Georgia, area; and

WHEREAS, the inconveniences as herein and above set forth and the harmful influence on the quality of life for all Alabamians, also herein chronicled, are a direct cause and effect of the inclusion of our state in the Central Time Zone, but are subject to remedy through the process of transfer of the State of Alabama from Central to Eastern time; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby officially petition the Secretary of Transportation of the United States Department of Transportation to issue, as empowered, a regulation to transfer the State of Alabama from the Central Time Zone to the Eastern Time Zone.

BE IT FURTHER RESOLVED, That the Clerk of the House is directed to submit, by copy of this resolution, this request of the Alabama Legislature and that said copy be forwarded to the Secretary of Transportation, Washington, D. C., 20590, Attention: General Counsel.

MOTION TO SUSPEND RULES AND ADOPT LOST

The motion offered by Rep. Scott to suspend the rules and adopt the resolution, H. J. R. 385, was lost.

Yeas 16; Nays 43.

Yeas:

Reps.: Adams, Bennett, Blake, Bowling, Brakefield, Brooks, Davis, Goodwin, Horn, Howard, Lewis, Nicholson, Rogers, Seibels, Turnham and White (L).

—16

Nays:

Reps.: Blakeney, Box, Bryant, Clark, Cosby, Crow, Dutton, Faulk, Flowers, Grouby, Harper, Hettinger, Holley, Holmes, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Langford, Lauderdale, McKee, McMillan, Mitchell, Newman, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Rice, Richardson, Starkey, Starr, Trammell, Turner, Venable, Warren, White (F), Wilson and Zoghby.

—43

The resolution, H. J. R. 385, was read and referred to the Standing Committee on Rules.

Also:

By Reps. Poole, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey,

Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drake, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Penry, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby:

H. J. R. 386. CONGRATULATING VICTOR F. MITCHELL UPON HIM REACHING HIS NINETIETH MILESTONE.

WHEREAS, on August 6, 1983, the Honorable Victor F. Mitchell of Northport, Alabama, will be ninety-one (91) years of age, and

WHEREAS, Mr. Mitchell is the father of our beloved Representative, Earl Mitchell of Northport, Alabama, and

WHEREAS, Mr. Mitchell has reared a large and respected family, much beloved by all of the citizens of Tuscaloosa County, Alabama, and

WHEREAS, the Town of Northport, the City of Tuscaloosa and the County of Tuscaloosa has proclaimed Saturday, August 6, 1983 as Victor F. Mitchell Day in Tuscaloosa County, and

WHEREAS, the Governor of Alabama has expressed his intention of appointing Mr. Mitchell as an Honorary Lieutenant Colonel on the Governor's Staff, and

WHEREAS, the Legislature of Alabama wishes to honor Mr. Mitchell on his day,

NOW THEREFORE BE IT RESOLVED, by the Legislature of Alabama, both Houses thereof concurring, that this body does congratulate Victor F. Mitchell upon him reaching his ninetieth milestone and does wish for him a long, happy and successful life.

BE IT THEREFORE FURTHER RESOLVED, that a copy of this Resolution be forwarded to Mr. Mitchell and a copy be forwarded to the Tuscaloosa News.

On motion of Rep. Poole, the rules were suspended and the resolution, H. J. R. 386, was adopted.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Reps. Kvalheim and Gaston:

H. R. 387. MOURNING THE DEATH OF MR. ALRIEDGE O'GRADY ATCHISON OF MOBILE, ALABAMA.

Also:

By Rep. Kvalheim:

H. R. 388. MOURNING THE DEATH OF MRS. GEORGE ALBERT NICHOLSON OF DAPHNE AND POINT CLEAR, ALABAMA.

Also:

By Rep. Wilson:

H. R. 389. COMMENDING MR. TABOR R. NOVAK, JR., TREASURER BIRMINGHAM BASEBALL CLUB, INC.

Also:

By Rep. Gaston and Kvalheim:

H. R. 390. COMMENDING MR. ROBERT G. HAMILL, II, FOR DISTINGUISHED SERVICE TO MOBILE COLLEGE AND THE MOBILE COLLEGE ALUMNI ASSOCIATION.

Also:

By Rep. Gaston and Kvalheim:

H. R. 391. COMMENDING DR. WAYNE ISPHORDING OF THE UNIVERSITY OF SOUTH ALABAMA.

Also:

By Rep. Butler, Hettinger, Carter, Brooks, Martin, Coleman, Richardson, Hall, Dutton, Stout and Freeman:

H. R. 392. URGING THE UNITED STATES DEPARTMENT OF COMMERCE, SMALL BUSINESS EXPORT DEVELOPMENT PROGRAM, TO FUND A REQUEST OF THE TOP OF ALABAMA REGIONAL COUNCIL OF GOVERNMENTS.

WHEREAS, the Top of Alabama Regional Council of Governments has developed and submitted a proposal for funding to the United States Department of Commerce whereby export assistance and service may be provided, at the local level, to high technology industries, resulting in substantial export sales during the project's twelve-month time frame; and

WHEREAS, our North Alabama area, consisting of Madison, Marshall, Jackson, DeKalb and Limestone Counties, is saturated with high technology industry; the export potential of this area's products is tremendous but outside assistance and expertise is often necessary in the area of international marketing; and

WHEREAS, TARCOG's proposal sent to the Commerce Department will assist high technology industry in North Alabama to develop export sales, thereby increasing jobs; and

WHEREAS, this project, which is designed to produce results in terms of export sales and to provide a much needed service not previously available in a concentrated program, will complement and enhance current activities of other agencies and programs; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF ALABAMA, That we hereby urgently request the U. S. Department of Commerce, Small Business Export Development Program, to fund the proposal developed and submitted by the Top of Alabama Regional Council of Governments.

BE IT FURTHER RESOLVED, That the Clerk of the House, by copy of this resolution, shall advise Mr. Don Stowe of the U. S. Department of Commerce, Small Business Export Development Program, of this urgent request of the Legislature.

On motion of Rep. Butler, the rules were suspended and the resolution, H. R. 392, was adopted.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 45. Relating to Mobile County; further providing for the distribution and transfer to the General Fund of Mobile County of certain license taxes collected and distributed in accordance with Act No. 162, Acts of Alabama 1963 and Act No. 82-344, Acts of Alabama 1982, which funds are to be designated for the provision of medical care to the medically indigent citizens of Mobile County.

Also:

H. 350. To amend Section 11-52-3, Code of Alabama 1975, to make certain provisions applicable to Class I municipalities and to provide for the appointment by the mayor or any council member serving as a member of a municipal planning commission of a Class I municipality to appoint a supernumerary member to be counted for quorum purposes and to act with all powers of a regular member whenever such municipal officer is not present.

Also:

H. 521. To provide for changing the place of trial after selection of the jury in either criminal or civil cases in the circuit court of Marshall County from one courthouse to another; further to provide for, regulate and clarify venue between the two divisions of said court; further to provide for the summoning and service of grand and petit jurors in the two divisions of said court; to provide that the district court serving Marshall County or any similar court shall have the same geographical divisions and jurisdiction as the circuit court and that all provisions relating to venue between the two divisions of the circuit court of Marshall County shall apply to such court; and to repeal and supersede existing laws in conflict with this act.

Also:

H. 635. To authorize and empower the Mobile County Commission to grade all county dirt surfaced roads traveled by rural mail carrier for the United States Post Office Department provided that the land owners along such roads are willing to donate to the county the rights-of-way necessary for such grading projects.

Also:

H. 636. To authorize the Circuit Judge assigned to the Department of Investigation and Recovery of the Thirteenth Judicial Circuit, Mobile County, to select and appoint an Administrative Secretary, to provide for the salary of such Administrative Secretary, and the method of payment of such Administrative Secretary.

Also:

H. 669. Relating to Sumter County, levying a fee on all hazardous and non hazardous waste stored, deposited or dumped at a disposal site presently known as Chemical Waste Management, Inc., near Emelle, Sumter County, Alabama; providing for the collection of said fee; providing for the

disbursement of said fee; providing for the organizing of the North Sumter County Development Authority; and providing penalties for violation.

Also:

H. 676. Relating to Mobile County; providing for an annual distribution to the Historic Mobile Preservation Society for payment of utilities at Oakleigh Antebellum House Museum from funds received by the county for the City of Mobile from the additional state sales tax levied on alcoholic beverages by Sections 28-3-280 and 28-3-281, Code of Alabama 1975.

Also:

H. 721. Relating to Jefferson County; to regulate further the taking of fish from public streams and impounded waters in such county except in municipal parks; authorizing the taking of non-game fish by the use of wire mesh baskets, on which a privilege license tax has been paid; prohibiting the sale of fish so taken; prescribing penalties for violation of this Act.

Also:

H. 760. Relating to Madison County; there is hereby established in Madison County, Alabama, a Special Services Division of the District Attorney's Office of the Twenty-Third Judicial Circuit.

Also:

H. 637. Proposing an amendment to the Constitution of Alabama authorizing the Mobile County Commission to provide a health insurance plan for retired county employees at its discretion.

And finds same correctly enrolled.

JOHN S. CASEY,
Chairman.

SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

RESOLUTIONS

The following resolutions were introduced:

By Rep. Minus:

H. J. R. 393. LEGISLATIVE INTENT RELATIVE TO COMPENSATION FOR SUMTER COUNTY COMMISSIONERS.

WHEREAS, the Alabama Legislature passed Act No. 82-552, S. 387, Regular Session 1982 (Acts 1982, p. 912), which provides for a minimum salary for county commissioners and chairmen of county commissions and requires a resolution be approved by the sitting county governing body to be effective, at the expiration of the term or terms of office of the member or members whose term or terms first expire, for any increase; and

WHEREAS, it was the purpose of the Alabama Legislature in enacting this law to have all county commissioners adequately and fairly compensated; and

WHEREAS, it was the specific intent of the Alabama Legislature that the prior Sumter County Commissioners approve a resolution to provide that the newly elected Sumter County Commissioners and Chairman receive compensation prescribed by Act No. 82-552, S. 387, Regular Session 1982 (Acts 1982, p. 912); and

WHEREAS, the prior Sumter County Commissioners either failed or refused to approve a resolution necessary to activate the increased rate of compensation pursuant to said Act No. 82-552; now therefore,

BE IT RESOLVED BY THE ALABAMA LEGISLATURE, BOTH HOUSES THEREOF CONCURRING, That it was the intent of the Alabama Legislature that the present Sumter County Commissioners and Chairman would receive compensation from the commencement of their term pursuant to said Act No. 82-552.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to each Sumter County Commissioner and Chairman.

On motion of Rep. Minus, the rules were suspended and the resolution, H. J. R. 393, was adopted.

Also:

By Rep. Hammett:

H. J. R. 394. CREATING A PERMANENT JOINT COMMITTEE TO STUDY OIL AND GAS, TO BE CALLED THE "ALABAMA OIL AND GAS STUDY COMMITTEE," EFFECTIVE JANUARY 1, 1984.

WHEREAS, the Legislature created the Joint Interim Oil and Gas Study Committee, Act 83-122, Second Special Session 1983; and

WHEREAS, said Committee will stand discharged upon making its final report in the Regular Session of the members' last year of their term of office; and

WHEREAS, the Committee has recognized the need for a permanent Oil and Gas Study Committee to make a continuing study of the oil and gas industry in our State and to report findings to the Legislature and Governor on an annual basis; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That, effective January 1, 1984, there is hereby created the Alabama Oil and Gas Study Committee to study the oil and gas industry, the laws pertaining thereto, exploration and production of oil and gas in this State, its regulation, the fiscal opportunity and liabilities for the State, the impact of the oil and gas industry on our State, and all facets thereof.

BE IT FURTHER RESOLVED, That the Committee shall be a permanent committee which shall continue from year to year until terminated by the manner in which it was created and that the Committee shall be composed of a total of ten (10) members, five (5) of which shall be appointed by the presiding officer of the Senate and five (5) of which shall be appointed by the Speaker of the House, all of which appointments shall be made no sooner than January 1, 1984, and not later than 10 days following the commencement of the 1984 Regular Session of the Legislature. The members shall serve until the expiration of the term of office of the appointing authority and the membership of the Committee shall be constituted as follows: the presiding officer of the Senate shall appoint three (3) members of the Senate, and one (1) additional member from a list of three (3) nominees

from among the membership of the Alabama-Mississippi Division of the Mid Continent Oil and Gas Association, and one (1) additional member who is a resident of an oil and gas producing county knowledgeable in the oil and gas field; the presiding officer of the House shall appoint three (3) members of the House of Representatives, and one (1) additional member from a list of three (3) nominees from among the Alabama membership of the Alabama Petroleum Council, and one (1) additional member who is a resident of an oil and gas producing county knowledgeable in the oil and gas field. The State Oil and Gas Supervisor and Commissioner of the Department of Conservation shall serve as ex officio, non-voting, advisory members of the Committee. The Committee shall meet within 10 days following the commencement of the 1984 Regular Session of the Legislature, whereupon the first order of business shall be to elect a chairman and vice chairman from among the appointed membership of the Committee. Any vacancy shall be filled in the same manner as the original appointment for the remainder of the term.

RESOLVED FURTHER, That upon the request of the Chairman, the Secretary of Senate and the Clerk of the House shall provide such clerical assistance as the Committee's work may require, and that the Chairman shall be authorized to employ within the limit of funds available to the Committee any person, persons, firms or corporations deemed necessary by the Chairman to carry out the duties, functions and purposes of the Committee. Each member of the Committee shall be entitled to regular Legislative compensation, per diem, and travel expenses within or without the State for each day the member is on business of the Committee or attends meetings when the Legislature is not in Session or is in recess without pay provided however non-legislative members shall be entitled to said compensation without regard to whether the Legislature is in session. The sum of Thirty Thousand Dollars annually shall be made available to the Committee for its use from any funds appropriated to the use of the legislature. Such sums shall be paid on warrants drawn by the state comptroller upon requisition of the Chairman and in accordance with law; provided, however, the total of such sums shall not exceed Thirty Thousand Dollars annually.

BE IT FURTHER RESOLVED, That the Committee be empowered to call witnesses to testify under oath and the members and staff of the State Oil and Gas Board, other State agencies and the employees thereof shall furnish, upon request of the Committee or any member thereof, any and all information, data and documents which the Committee may need or request to carry out the functions and duties of the Committee, and the Chairman of the Committee shall have the power to issue subpoenas and subpoena duces tecum pursuant to the Alabama Rules of Civil Procedure.

BE IT FURTHER RESOLVED, That the Committee shall make its report, findings and recommendations to the Legislature, Governor and any State agencies during each Regular Session of the Legislature.

The resolution, H. J. R. 394, was read and referred to the Standing Committee on Rules.

Also:

By Reps. Drake and Casey:

H. J. R. 395. COMMENDING DR. ROBERT LAWSON BRYAN, PASTOR OF THE DEXTER AVENUE UNITED METHODIST CHURCH, MONTGOMERY, ALABAMA.

WHEREAS, Dr. Robert Lawson Bryan, a graduate of Dothan High

School and of Tulane University, cum laude, received the Master of Divinity degree, also cum laude, from Emory University and the Doctor of Ministry Studies degree from Candler School of Theology in Atlanta; and

WHEREAS, currently serving, and since 1980, as pastor of Montgomery's Dexter Avenue United Methodist Church, Dr. Bryan previously served pastorates in Opelika, Alabama, and in Panama City, Florida; and

WHEREAS, Dr. Bryan, throughout his ministry, has assumed numerous Church related responsibilities in addition to those associated with his pastoral assignments; and

WHEREAS, he has served variously as chairman of the Sunday School Committee of the Alabama-West Florida Conference, as a member of the Episcopacy Committee of the conference, as chairman of the Marianna District Council on Ministries and the Noah's Ark Board of Directors, and as president of the Bay County, Florida, Ministerial Association; he has been a District Youth Coordinator for four years and currently serves as vice-president of Nellie Burge Community Center Board of Directors; and

WHEREAS, Dr. Bryan additionally has served as Pastor of the Day for the Alabama Legislature and, on a number of occasions, has graciously responded to our requests to fulfill such duties on extremely short notice; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Dr. Robert Lawson Bryan, Pastor of the Dexter Avenue United Methodist Church, Montgomery, Alabama; we further express our deep appreciation for his service, above and beyond the call of duty, to the Legislature and direct that he receive a copy of this resolution in declaration of our sincere gratitude and warmest personal regard.

On motion of Rep. Drake, the rules were suspended and the resolution, H. J. R. 395, was adopted.

Also:

By Reps. Butler, Scott, White (L), Johnson (R.G.), Davis, Thomas and Freeman:

H. J. R. 396. COMMENDING THE MEDICAL ASSOCIATION OF THE STATE OF ALABAMA ON THE ESTABLISHMENT OF "PROJECT DOCTOR'S CARE."

WHEREAS, a recent announcement has heralded a plan to be coordinated by the Medical Association of the State of Alabama to provide health care for those in our state unemployed since January 1, 1982; and

WHEREAS, under the plan, called Project Doctor's Care, hundreds of doctors across the state will volunteer their time to provide health care for those jobless, and without medical benefits, for the past 18 months; and

WHEREAS, as a result of Alabama's high unemployment, thousands of our citizens, through no fault of their own, now have no source of income and have completely depleted their family's savings and other assets; and

WHEREAS, without medical insurance, and/or eligibility for other medical assistance, many of our needy have had to forego medical attention regardless of the severity of their illnesses or handicaps; and

WHEREAS, Project Doctor's Care will now fill the tragic void in health

care for all Alabamians that has heretofore existed; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend the Medical Association of the State of Alabama on the initiation of its Project Doctor's Care and direct that a copy of this resolution be sent to Dr. Hamilton H. Hutchinson, President of MASA, on behalf of the entire organization, and in expression of the Legislature's appreciation of and regard for the Association's benevolence.

On motion of Rep. Butler, the rules were suspended and the resolution, H. J. R. 396, was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 296. To provide for fair dismissal procedures for non-teachers and non-certified or classified employees in the public school systems, two-year institutions under control of the State Board of Education, the Department of Youth Services and the Alabama Institution for Deaf and Blind, who are not otherwise covered by the State's Merit System, the Teacher Tenure Law, or other state statutes at the time this Act is adopted; to provide procedural and substantive due process of law for dismissal for just cause before the employing board after the employee completes the probationary period of employment and thereafter gains permanent status; to provide for a system of hearing examiners to hear contested termination of employment and transfer; and to provide for review of the decisions of the employing board.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Holley, the House concurred in and adopted the Senate amendment to the bill, H. 296, said Senate amendment being as follows:

On page 2, in Section 1, line 11, after the word "employees", insert the following language: who are not otherwise covered by the State Merit System, the Teacher Tenure Law, or other state statute at the time this act is adopted.

Amend H. B. 296, as substituted on Page 1, Line 39, by inserting after the words "Alabama Institute for the Deaf and Blind" the words, "not to include production workers at the Alabama Industries for the Blind".

Yeas 43; Nays 9.

Yeas:

Mr. Speaker, Ashley, Bennett, Blake, Blakeney, Brakefield, Browder, Campbell, Carothers, Clark, Coburn, Coleman, Crow, Davis, Dutton, Escott, Goodwin, Hall, Holley, Holmes, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Lauderdale, Layton, Mathis, Minus, Moore, Newman, Nicholson, Parker, Poole, Rice, Scott, Siebels, Smith, Trammell, Turner, White (L), Williams, Wright and Zoghby.

—43

Nays:

Reps.: Box, Clikas, Gaston, Kvalheim, McKee, McMillan, Sasser, Venable and Wilson.

—9

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 296, as thus amended, was again read at length and passed.

Yeas 58; Nays 14.

Yeas:

Mr. Speaker, Ashley, Bennett, Biddle, Blake, Boles, Brakefield, Brooks, Browder, Bryant, Butler, Carothers, Carter, Clark, Coburn, Coleman, Crow, Davis, Dutton, Escott, Faulk, Freeman, Goodwin, Grimsley, Hall, Holley, Holmes, Horn, Howard, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Laird, Langford, Lauderdale, Mathis, Melton, Moore, Newman, Nicholson, Parker, Payne, Poole, Preuitt, Rains, Rice, Richardson, Rogers, Smith, Starkey, Starr, Trammell, Turner, Venable, White (L), Williams and Zoghby.

—58

Nays:

Reps.: Box, Campbell, Clikas, Gaston, Hammett, Johnson (A.L.), Kvalheim, McKee, McMillan, Minus, Sasser, Scott, Turnham and Waggoner.

—14

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 44. Relating to Mobile County; further providing for the medically indigent citizens of Mobile County; fixing a definition of medically indigent persons; establishing the Mobile County Indigent Care Board and describing its authority, composition and duties; fixing ultimate financial responsibility for the provision of health care to medically indigent citizens of Mobile County with the county governing board; providing for the transfer to the Mobile County Indigent Care Board of all oil and gas severance tax revenues, designated for and distributed to the General Fund of Mobile County, pursuant to Title 40, Chapter 20, Article 1, Code of Alabama 1975, as amended, to be designated for the provision of medical care to the medically indigent citizens of Mobile County, with certain provisions that unexpended reserves from such source may be returned to the general fund of Mobile County; and to provide that the provisions of this act shall be construed cumulatively.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Turner, the House concurred in and adopted the Senate amendment to the bill, H. 44, said Senate amendment being as follows:

A BILL
TO BE ENTITLED
AN ACT

Relating to Mobile County; further providing for the medically indigent citizens of Mobile County; fixing a definition of medically indigent persons; establishing the Mobile County Indigent Care Board and describing its authority, composition and duties; providing for the transfer to the Mobile County Indigent Care Board of a portion of oil and gas severance tax revenues, designated for and distributed to the General Fund of Mobile County, pursuant to Title 40, Chapter 20, Article 1, Code of Alabama 1975, as amended, to be designated for the provision of medical care to the medically indigent citizens of Mobile County, with certain provisions that unexpended reserves from such source may be returned to the General Fund of Mobile County; and to provide that the provisions of this Act shall be construed cumulatively.

Be It Enacted by the Legislature of Alabama:

Section 1. For the purposes of this Act, unless otherwise indicated, the following terms shall have the meanings respectively ascribed to them by this section:

(1) MEDICALLY INDIGENT PERSON. Any person who is a resident of Mobile County and who is ill, injured and suffering whose condition can be helped or relieved by treatment in a hospital, but who is unable to pay the cost of hospital treatment, or who is able to pay only a portion of the cost of such hospital treatment.

(2) COUNTY COMMISSION. The County Commission of Mobile County, as it is duly constituted at the time of the enactment of this Act, and any subsequent duly constituted governing body of Mobile County.

Section 2. At the determination of the County Commission, there may be hereby established the MOBILE COUNTY INDIGENT CARE BOARD, hereinafter referred to as "the Board", whose composition and duties shall be as follows:

(a) The County Commission may appoint a Mobile County Indigent Care Board which shall consist of three members who are duly qualified electors of Mobile County, but no member of such Board shall be employed by any hospital. Of the members of the Board first appointed under the provisions of this section, one shall be appointed for a term of one year, one shall be appointed for a term of three years, and one shall be appointed for a term of five years. Thereafter, their successors shall be appointed for terms of five years and may be appointed to succeed themselves as members of the Board. The County Commission shall appoint all members to the Board. In the event the County Commission does not appoint the subject Board, the duties and responsibilities of the Board herein shall be carried out by the County Commission. Members of the Board shall serve without compensation.

(b) The Board shall meet monthly at a public place within Mobile County to certify accounts presented to the Board by providers of medical

care who are providing medical care to medically indigent citizens of Mobile County and to make recommendations for payments from the Board's account or accounts to such providers of medical care by the County Commission. The Board shall be empowered to employ appropriate personnel, for the purpose of maintaining the Board's records and account or accounts or the County Commission may provide such personnel for the purpose of maintaining the Board's records and account or accounts and shall be empowered to expend revenues in its account or accounts to carry out the several provisions of this act. The Board may contract with the State Department of Pensions and Security for the purposes of evaluating and certifying persons as being medically indigent according to guidelines established by the Board. The Board shall recommend to the County Commission at each regular meeting of the County Commission reimbursement to be paid to providers of medical care to the medically indigent of Mobile County at an amount equal to the reasonable cost of said services rendered by the provider. It shall be the responsibility of the providers of medical care to verify and furnish appropriate materials for the Board to certify the accounts presented. PROVIDED, however, notwithstanding any part herein to the contrary, providers of medical care shall be reimbursed only for that part of unreimbursed care which exceeds 7-6 percent of that provider's gross billings for the current fiscal year. Unreimbursed care shall not include amounts for contractual adjustments, discounts or amounts required to be provided under Hill-Burton or other funds supporting indigent care from any other sources.

A hospital shall be reimbursed for providing hospital care to a medically indigent person at a rate equal to the average of Mobile County, Alabama hospitals' Medicare costs determined by the annual Medicare cost reports of said hospitals. Reimbursements by the Board shall not include any payment for physician services. The Board shall require a copy of a certified audit without qualification of any provider and, if applicable, its parent organization, applying for reimbursement by the Board and the cost of such audit shall be the burden of said provider. During the first fiscal year in which this Act becomes effective, specifically October 1, 1982 through September 30, 1983, the reasonable costs of services to the medically indigent, which services are rendered during that fiscal year, shall be eligible for reimbursement to the provider pursuant to this Act.

Section 3. It is the intention of the Legislature by the passage of this Act to be in accordance with Article IV, Section 88, of the Constitution of Alabama of 1901.

Section 4. The County Commission shall establish an account or accounts within the general fund of the County for payment of such amounts recommended by the Mobile County Indigent Care Board, as set forth herein. The County Commission will place into such account or accounts an amount equal to the sum of one-half (50%) of all oil and gas severance tax revenues, designated for and distributed to the General Fund of Mobile County, and remaining after distribution of those revenues to the Mobile County Board of Health and the Mobile County Board of Education provided for by Act 870, Regular Session 1975 (Acts 1975, p. 1714), pursuant to Title 40, Chapter 20, Article 1, Code of Alabama 1975, as amended, not to include any and all net revenues held in escrow, as a result of litigation, for Mobile County which have been collected pursuant to Act No. 79-434, H. 148, 1979 Regular Session and Act No. 80-708, H. 909, 1980 Regular Session.

Allocation of such revenues for indigent care shall not exceed

$5,000,000.00 in fiscal year 1982-1983. In subsequent years the Board shall consider such factors as estimated population growth, unemployment rates, population age distribution and other such demographic and sociological factors as might be indicative of indigent care needs in establishing the levels of indigent care funding, provided, however, that the funds so allocated shall not be less than the funds allocated for the previous year as adjusted by change in the hospital consumer price index.

The remainder of all revenues paid to Mobile County pursuant to any other severance tax or privilege tax on oil and gas, under any general or local law whatsoever, shall not be deemed a part of or included in the provision of this Act. Said revenues shall be used by the Mobile County Indigent Care Board to provide for the costs of medical care and treatment of medically indigent citizens of Mobile County, as set forth herein. PROVIDED, however, that if the subject revenues exceed the need for funds to reimburse for medical care for the medically indigent of Mobile County, as of the end of the fiscal year of the County Commission, then such funds will revert to the General Fund of Mobile County.

Section 5. The County Commission also shall obligate such additional revenues from the General Fund of Mobile County in the amount of any oil and gas severance tax revenues being held in escrow designated for Mobile County and collected pursuant to Act No. 79-434, H. 148, 1979 Regular Session (Acts 1979, p. 687) and Act No. 80-708, H. 909, 1980 Regular Sessions (Acts 1980, p. 1438), and in the amount of any funds transferred from the License Commissioner of Mobile County to the General Fund of Mobile County which relates to beer taxes; such revenues to be used to the extent the Board may require same to perform properly its duties as provided in Section 2 of this Act after such funds authorized in Section 4 have been appropriated and paid out by the Board. Provided, however, that in the event that oil and gas severance tax revenues held in escrow and collected pursuant to Act No. 79-434, H. 148, 1979 Regular Session (Acts 1979, p. 687) and Act No. 80-708, H. 909, 1980 Regular Session (Acts 1980, p. 1438) and distributed to the General Fund of Mobile County are reduced by judicial decree, the County Commission shall obligate funds from its General Fund in an amount equal to one-half (50%) of such reduction, not to exceed $750,000.00 per annum for the 1982-83 and 1983-84 fiscal years of the County Commission to the extent the Board may require same to perform properly its duties as provided in Section 2 of this act after such funds authorized in Section 4 have been appropriated and paid out by the Board.

Section 6. The Mobile County Indigent Care Board shall be authorized and empowered to bring and prosecute any suits in its name, as agent for the County of Mobile, against any person whose cost of hospitalization, in whole or in part, has been paid by the Board to the provider of medical care or the hospital, within the statutory period fixed by law.

Section 7. The provisions of Section 4 are cumulative and shall apply to all of said additional oil and gas severance tax revenues henceforth to be distributed.

Section 8. Only laws or parts of laws which conflict with this act are hereby repealed.

Section 9. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 10. This act shall be come effective immediately upon its pas-

sage and approval by the Governor and upon its otherwise becoming a law.

Yeas 49; Nays 1.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Blake, Blakeney, Brooks, Browder, Butler, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Crow, Davis, Dutton, Faulk, Gaston, Goodwin, Grimsley, Hall, Harper, Holmes, Johnson (A.L.), Junkins, Kennedy, Kvalheim, Langford, Lauderdale, Mathis, Moore, Newman, Nicholson, Parker, Poole, Rains, Rice, Richardson, Scott, Smith, Trammell, Turner, White (L), Williams, Wilson and Zoghby.

—49

Nay: Rep. Box. —1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 44. Relating to Mobile County; further providing for the medically indigent citizens of Mobile County; fixing a definition of medically indigent persons; establishing the Mobile County Indigent Care Board and describing its authority, composition and duties; providing for the transfer to the Mobile County Indigent Care Board of a portion of oil and gas severance tax revenues, designated for and distributed to the General Fund of Mobile County, pursuant to Title 40, Chapter 20, Article 1, Code of Alabama 1975, as amended, to be designated for the provision of medical care to the medically indigent citizens of Mobile County, with certain provisions that unexpended reserves from such source may be returned to the General Fund of Mobile County; and to provide that the provisions of this Act shall be construed cumulatively.

As thus amended, was again read at length and passed.

Yeas 55; Nays 1.

Yeas:

Mr. Speaker, Ashley, Bennett, Blake, Blakeney, Brakefield, Brooks, Browder, Bryant, Butler, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Crow, Drinkard, Dutton, Faulk, Ford, Gaston, Goodwin, Grimsley, Grouby, Hall, Harper, Howard, Johnson (A.L.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Langford, Lauderdale, Mathis, Melton, Newman, Nicholson, Parker, Poole, Preuitt, Rains, Richardson, Smith, Starkey, Starr, Thomas, Trammell, Turner, White (L), Williams, Wilson and Zoghby.

—55

Nay: Rep. Box. —1

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 475. Relating to the city of Mobile; establishing and providing for the Mobile City Youth Athletic Board; providing for the appointment and term of office of the members of the board; providing for the distribution of funds received by the board from section 28-3-281, Code of Alabama 1975; providing for the forfeiture of certain funds upon falsification of registration forms; and providing for retroactive effect to January 1, 1983.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Turner, the House concurred in and adopted the Senate amendment to the bill, H. 475, said Senate amendment being as follows:

Amend House Bill 475, Section 1(b), page 2, line 13 after the word "the" by striking the remainder of line 13 and 14 and inserting in lieu thereof the following:

"majority of the board from time to time approve."

Yeas 58; Nays 0.

Yeas:

Mr. Speaker, Ashley, Bennett, Blake, Blakeney, Box, Brakefield, Brooks, Browder, Bryant, Butler, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Gaston, Grouby, Hall, Harper, Horn, Howard, Johnson (A.L.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Lauderdale, McMillan, Mathis, Melton, Newman, Nicholson, Parker, Poole, Preuitt, Rains, Rice, Richardson, Scott, Smith, Starkey, Starr, Thomas, Turner, Turnham, White (L), Williams, Wilson and Zoghby.

—58

And the bill, H. 475, as thus amended, was again read at length and passed.

Yeas 57; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Blake, Blakeney, Box, Brakefield, Brooks, Browder, Bryant, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Dutton, Faulk, Gaston, Grimsley, Grouby, Hall, Harper, Horn, Howard, Johnson (A.L.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Langford, Lauderdale, McMillan, Mathis, Newman, Nicholson, Parker, Poole, Rains, Rice, Richardson, Sasser, Seibels, Smith, Starkey, Starr, Thomas, Turner, Turnham, White (L), Williams, Wilson and Zoghby.

—57

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Senator Parsons (With Notice and Proof):

S. 474. Relating to Jefferson County; to regulate further the taking of fish from public streams and impounded waters in such county except in municipal parks; authorizing the taking of non-game fish by the use of wire

mesh baskets, on which a privilege license tax has been paid; prohibiting the sale of fish so taken; prescribing penalties for violation of this Act.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 474, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Senator Smith (B) (With Notice and Proof):

S. 497. Relating to certain municipal elections in the City of Huntsville, Madison County, Alabama, and the coordination of such election; regulating further the election and terms of office of the mayor and city councilmen; and providing that the provisions of this act shall specifically repeal and supersede the provisions of Section 1, Act No. 738, H. 1596 of the 1971 Regular Session (Acts 1971, p. 1453) only as it applies to the City of Huntsville and conflicts with this act; further regulating the election and terms of the members of the Huntsville City Board of Education so as to provide staggered elections therefor and set the time of such elections; providing that the provisions of this act shall specifically repeal and supersede the provisions of Act No. 80-235, H. 794, Regular Session 1980 (Acts 1980, p. 314) and Act No. 796, H. 1033, Section 1, subsection (d), Regular Session 1971, (Acts 1971, p. 1530) and all laws or parts of laws which conflict with the provisions of this act.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 497, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Senator Hilliard (With Notice and Proof):

S. 516. To authorize, based on certain legislative findings, municipalities situated in counties having a population of 600,000 or more according to the last and any subsequent decennial census to alter and change water courses and to acquire, construct and develop wharves, warehouses, and other improvements related to the development and operation of river ports within a radius of twenty-five miles of the limits thereof in order to maximize the ability of such municipalities to promote the use of river and water transportation to take advantage of the transportation potential made possible by the Tombigbee Waterway, provided that no such facility can be constructed or developed within the police jurisdiction of another municipality without the consent thereof, or in an unincorporated area of any county without the consent of the governing body of such county; to authorize the acquisition of real property by eminent domain for the purposes of the Act; to authorize such municipalities to issue general obligation bonds, or to authorize industrial development boards to issue revenue bonds, to finance such river port facilities; to authorize municipalities and counties to contribute funds to such municipalities for construction and operation of such river port facilities, and to contract for joint construction and operation thereof; to make the provisions hereof severable; and to provide an effective date of the Act.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 516, AS REQUIRED IN THE GENERAL

ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Senator Bailey (With Notice and Proof):

S. 520. Relating to Dale County; to further provide for the distribution of the beer tax levied by Act No. 82-344, Regular Session, 1982, now codified as Sections 28-3-190 through 28-3-199, Code of Alabama 1975, so as to provide that the tax collected shall be paid and distributed in accordance with the provisions of Section 28-3-190 (c)(1), Code of Alabama 1975.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 520, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Senator Bedsole (With Notice and Proof):

S. 480. Relating to Mobile County; requiring that twenty percent of the teacher units now allocated for the instruction of Exceptional Children in Mobile County be allocated for the gifted child.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 480, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Senator Figures (With Notice and Proof):

S. 506. To authorize the City of Prichard, Mobile County, Alabama, to establish an Enterprise Zone in the area of pervasive poverty, unemployment and economic distress and to carry out programs to encourage private investment and to create jobs in such area, and to authorize agencies of such city, the county governing body and state and county agencies to carry out similar programs in such Enterprise Zone, including, but not limited to, reduction of tax rates, license rates and fees, improvement of public services and reduction and modification of regulatory requirements within such zone, and to provide other services and to modify other requirements as may be necessary or desirable to qualify for financial assistance to such city or private entities within such zone under any Act of the Congress of the United States heretofore or hereafter enacted.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 506, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 474. Local Legislation No. 2.

S. 497. Local Legislation No. 4.

S. 516. Local Legislation No. 2.

S. 520. Local Legislation No. 1.

S. 480. Local Legislation No. 3.

S. 506. Local Legislation No. 3.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Senator Keener (With Notice and Proof):

S. 501. Relating to Etowah County, to grant the constable of the District Court an expense allowance.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 501, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Senator Barron (With Notice and Proof):

S. 530. Relating to DeKalb County; providing further for the costs and charges in all district court cases and providing for the establishment of a juvenile probation fund in the county.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL S. B. 530, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Senators Little and Corbett (With Notice and Proof):

S. 533. To amend the "Council-Manager Act of 1982", so as to authorize the governing body of any Class 6 city, by resolution, to elect to have the form of government originally prescribed in this act or an alternate form, having a nine-member council, composed of one member elected at large and designated as mayor and eight members elected, two from each of the four districts into which the city is divided, by the qualified electors of the districts, respectively, providing for the time for the change in the form of government in such Class 6 cities, authorizing the council of such cities to elect a mayor pro tem, who in such cities will be in lieu of the second councilman-at-large elected in other cities governed by this act, limiting the power of the council of such Class 6 cities to remove a city manager, and making changes needed to reconcile other sections of said act with the above-described changes in the form of government hereby authorized; and, to provide for holding an election in 1983 on the question of the adoption of the council-manager form of government in any Class 6 municipality wherein the municipal governing body has elected to have a nine-member council, with the change in the form of government becoming operative on

the first Monday in October 1986; and to limit the time during which this law shall supersede other laws.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 533, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 501. Local Legislation No. 1.

S. 530. Local Legislation No. 1.

S. 533. Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators Robertson, Bishop and deGraffenried:

S. J. R. 249. URGING PRESIDENT REAGAN AND THE CONGRESS TO EXPEDITE THE APPROPRIATIONS FOR REPLACEMENT OF THE WILLIAM BACON OLIVER LOCK AND DAM ON THE WARRIOR RIVER NEAR TUSCALOOSA, ALABAMA.

WHEREAS, as a part of the federal government's annual Energy and Water Appropriations bill, $1.3 million is included for design of a facility to replace the old and undersized William Bacon Oliver Lock and Dam on the Warrior River near Tuscaloosa, Alabama, with construction of a $125 million lock and dam to begin as early as 1986; and

WHEREAS, the 45-year-old present facility has become increasingly inadequate as river traffic continues to increase, thereby creating a bottleneck at the lock and causing interminable delay for river traffic; and

WHEREAS, not only is a replacement facility vitally necessary for the flow of river traffic but mandatory, as well, for a projected massive increase in coal traffic to Mobile for export which will mean a boost in foreign trade to help revitalize Alabama's economy; and

WHEREAS, the construction of the proposed new lock and dam facility will pour millions of dollars into our economy and provide more than 600 new direct and secondary jobs; payrolls for a three-year period are anticipated to approach some $27 million; and

WHEREAS, the number of jobs and economic impact dollars do not reflect a $14.9 million expenditure for a planned hydropower plant which means of course that the abovementioned jobs and dollars of impact are greatly understated; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH

HOUSES THEREOF CONCURRING, That we hereby most strongly urge President Reagan and the Congress, especially Alabama's Delegation, to expedite the appropriation proposals and other procedures necessary to hasten the onset of construction of the William Bacon Oliver Lock and Dam on the Warrior River at Tuscaloosa, Alabama.

BE IT FURTHER RESOLVED, That the Secretary of the Senate is directed to inform the President, the Congress and Alabama's Congressional Delegation, by copies of this resolution, of this urgent request of the Alabama Legislature.

RESOLVED FURTHER, That we also urge the Corps of Engineers to begin construction immediately upon approval and funding of said project and that they also be advised, by copy of this resolution, of the Legislature's desire.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Johnson (Roy), the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 249, set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Senator Little:

S. J. R. 179. NAMING A PORTION OF HIGHWAY 50 "THE REVEREND JAMES ARTER SMITH HIGHWAY."

Also:

By Senator Hilliard:

S. J. R. 180. COMMENDING MRS. GLORIA GARY FOR OUTSTANDING SERVICE TO THE STUDENTS OF SCOTT ELEMENTARY SCHOOL IN PRATT CITY.

Also:

By Senator Boyington:

S. J. R. 225. COMMENDING MR. JOHN A. STANLEY, SR., OF CHICKASAW, ALABAMA, FOR OUTSTANDING SERVICE.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. White (L), the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 179, the title of which is set out in the above and foregoing Message from the Senate.

On motion of Rep. Johnson (Roy), the rules were suspended and the House concurred in and adopted the resolutions, S. J. R. 180 and S. J. R. 225, the titles of which are set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators Harrison and Dixon:

S. J. R. 259. CREATING THE FORT TOULOUSE-FORT JACKSON LEGISLATIVE JOINT INTERIM COMMITTEE.

WHEREAS, hasty judgment by the Alabama Historical Commission staff in recent years has led to numerous errors costing and confusing the taxpayers of Alabama; and

WHEREAS, a recent public hearing in Wetumpka indicated considerable opposition to the Historical Commission's proposal to produce another reproduction of Fort Toulouse; and

WHEREAS, recent research by Auburn University has revealed that Fort Jackson was never completed and what was constructed was built for short duration usage, while in contrast, Fort Toulouse was one of the South's and the nation's leading trade forts for more than half a century; and

WHEREAS, more than 1,000 citizens of Elmore County want overwhelming emphasis placed on Fort Toulouse with the lesser significant Fort Jackson's restoration, restricted to the Powder Magazine; and

WHEREAS, the Elmore County Commission, the City of Wetumpka and the private citizens invested over $25,000 in the restoration of Fort Toulouse; and

WHEREAS, hundreds of thousands of school children throughout Alabama have contributed to the restoration of Fort Toulouse and have been taught that Fort Toulouse is one of the nation's most significant landmarks; and

WHEREAS, Fort Toulouse and the State Capitol were the only two landmarks designated bicentennial projects by the Alabama Legislature; and

WHEREAS, highly significant, but totally undeveloped landmarks such as Cahawba and St. Stephens cry out for initial development as Alabama's economy limits governmental funds when the state ill-affords duplication in its historic development program; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created an interim committee to study Fort Toulouse-Fort Jackson. Said committee shall consider all relevant aspects of said fort, including the excavation plan, control, funding, promotion and operation.

Said committee shall be composed of the two senators who represent Elmore County, the two representatives who represent Elmore County and one additional representative and one additional senator to be appointed by their respective presiding officers.

Upon request of the committee, the Secretary of the Senate and the Clerk of the House shall provide clerical assistance as it may be necessary for the committee's work.

Members of the committee shall receive no additional pay for duties performed as a committee member.

BE IT FURTHER RESOLVED, That the Fort Toulouse Joint Legislative Committee is hereby empowered to subpoena all records and documents from the Alabama Historical Commission in performance of their study and all construction work on the duplicate fort curtailed until the Joint Legislative Committee is completed.

RESOLVED FURTHER, That said committee shall report its findings, conclusions and recommendations to the Legislature not later than the fifth day of the next Regular Session, at which time the committee shall be abolished and discharged of any further obligations hereunder.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The resolution, S. J. R. 259, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 333. TO ESTABLISH A JOINT LEGISLATIVE COMMITTEE TO OVERSEE A SPECIAL AUDIT OF THE TEACHERS' RETIREMENT SYSTEM AND EMPLOYEES' RETIREMENT SYSTEM OF ALABAMA.

McDOWELL LEE,
Secretary.

MOTION TO RECESS LOST

The motion offered by Rep. Minus that the House stand in recess until 6:30 o'clock p.m., was lost.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 395. To amend Section 28-7-16, Code of Alabama 1975, relating to the levy, the collection, and the disposition of the proceeds of the tax on the sale of table wine, so as to provide further therefor.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Campbell, the House non-concurred in the Senate amendment to the bill, H. 395, said Senate amendment being as follows, and requested a Committee on Conference be appointed to resolve the differences between the two Houses:

Amend House Bill 395, as amended, on page 1, line 33 by deleting the figures "45" and inserting in lieu thereof the figures "47".

Further amend the bill on page 2, line 38 by striking the period "." and inserting in lieu thereof the following:

; and a monthly return filed with the county within which the wine is sold at retail filed not later than the fifteenth day of each month showing sales by wholesalers during the preceding month and the county in which sold and the taxes due thereon at the rate of 2 cents per liter of table wine sold; and the taxes due at such rate shall be remitted to the county along with the return.

Further amend the bill on page 3, line 9 by striking the word "and" and inserting in lieu thereof a semicolon ";" and on line 15 by striking the period "." and inserting in lieu thereof the following:

; and taxes at the rate of 2 cents per liter of table wine sold shall be remitted by the board to the county within which the wine was sold at retail not later than the last day of the month following the month of sale, as set forth in subsection (c) of this section.

Further amend the bill on page 3, line 39 by inserting the following:

"(3) Two cents per liter of table wine sold shall be paid by the board on its sales or by wholesale licenses on their sales into the treasury of the county in which the table wine was sold at retail.

Yeas 53; Nays 5.

Yeas:

Mr. Speaker, Adams, Ashley, Blake, Blakeney, Box, Browder, Butler, Campbell, Clark, Coburn, Coleman, Cosby, Crow, Dutton, Escott, Faulk, Flowers, Ford, Goodwin, Grimsley, Hall, Hammett, Holley, Holmes, Horn, Johnson (Roy), Junkins, Lauderdale, Lewis, McMillan, Manley, Mathis, Melton, Minus, Nevett, Newman, Nicholson, Payne, Penry, Poole, Preuitt, Rice, Richardson, Scott, Seibels, Smith, Starr, Turner, Turnham, Williams, Wilson and Zoghby.

—53

Nays: Reps.: Bennett, Hettinger, Johnson (R.G.), Rains and Trammell.—5

COMMITTEE APPOINTED

The Speaker appointed as a committee on the part of the House Reps. Campbell, Casey and Coburn.

H. 424 TEMPORARILY POSTPONED

On motion of Rep. Box, the bill, H. 424, was temporarily postponed.

H. 698 TEMPORARILY POSTPONED

On motion of Rep. Zoghby, the bill, H. 698, was temporarily postponed.

SPECIAL ORDER

The House then proceeded with the consideration of the uncontested local bills on the Special Order Calendar.

And the bill:

H. 841. Relating to Fayette County; providing a travel and subsistence expense allowance for the county superintendent of education; specifically repealing Act No. 442, H. 842, 1947 Regular Session (Local Acts 1947, p.

300); and providing that this act shall become effective July 1, 1983.

Was read a third time at length and passed and ordered sent forthwith to the Senate without engrossment.

Yeas 56; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Blake, Blakeney, Box, Brooks, Butler, Carter, Casey, Clark, Coleman, Cosby, Crow, Dutton, Escott, Faulk, Ford, Freeman, Goodwin, Grimsley, Grouby, Hall, Hammett, Hettinger, Holmes, Johnson (Roy), Junkins, Kennedy, Langford, Lauderdale, Lewis, McMillan, Mathis, Melton, Minus, Mitchell, Moore, Nevett, Newman, Nicholson, Parker, Penry, Poole, Rice, Richardson, Sasser, Smith, Starkey, Starr, Stout, Thomas, Warren, Wilson and Zoghby.

—56

And the bill:

H. 679. Relating to Shelby County; to prohibit any utility company, board, corporation or commission (exclusive of communications) which provides service in Shelby County from providing such services to any dwelling or structure until a certificate of approved sanitation has been issued by the Shelby County Health Officer or his authorized representative.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 65; Nays 0.

Yeas:

Mr. Speaker, Ashley, Bennett, Blakeney, Box, Brooks, Butler, Carter, Casey, Clark, Coleman, Cosby, Crow, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Hettinger, Holley, Holmes, Howard, Johnson (Roy), Junkins, Kennedy, Kvalheim, Langford, Lauderdale, Lewis, McMillan, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Parker, Payne, Penry, Poole, Preuitt, Rains, Rice, Richardson, Sasser, Scott, Smith, Starkey, Starr, Thomas, Trammell, Warren, White (L), Wilson and Wright.

—65

And the bill:

H. 803. (With Amendment): Relating to Hale County, providing for the establishment of a consolidated and unified system of assessment and collection of taxes under the supervision of an elective county official designated as county revenue commissioner; prescribing the powers, duties, term of office and compensation of said county revenue commissioner, and providing for his election; abolishing the county offices of tax assessor and tax collector in Hale County; repealing conflicting laws; and prescribing the effective date of this act.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 1, said committee amendment being as follows:

On page 3, delete Section 6 in its entirety and substitute in lieu thereof:

Section 6. The county revenue commissioner shall collect and pay into the general fund of the county all fees, percentages, commissions and other allowances which the tax assessor and the tax collector are now or hereafter by law authorized or directed to charge or collect for the performance of any duty imposed by law on any such officers and hereby transferred to and imposed on the county revenue commissioner. As compensation for performance of the duties of his office, the Revenue Commissioner will receive a salary of not less than $20,000.00 and not more than $30,000.00, payable in twelve equal monthly installments, with the exact amount to be set by resolution of the Hale County Commission prior to the Revenue Commissioner taking office. If no action is taken by the Hale County Commission before the Revenue Commissioner takes office at each term, his salary will be $20,000.00.

And the amendment was adopted.

Yeas 59; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Blakeney, Box, Brooks, Butler, Campbell, Carter, Clark, Clikas, Coleman, Crow, Dutton, Escott, Faulk, Gaston, Goodwin, Grimsley, Hall, Hammett, Hettinger, Holley, Holmes, Horn, Howard, Johnson (Roy), Junkins, Kennedy, Kvalheim, Langford, Lauderdale, Layton, Lewis, McMillan, Manley, Mathis, Melton, Minus, Mitchell, Nevett, Newman, Nicholson, Parker, Penry, Poole, Rains, Richardson, Sasser, Scott, Seibels, Smith, Starkey, Starr, Thomas, Warren, Wilson and Wright.

—59

And the bill, H. 803, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 57; Nays 0.

Yeas:

Mr. Speaker, Ashley, Bennett, Blakeney, Box, Brooks, Buskey, Butler, Campbell, Carter, Clark, Clikas, Crow, Dutton, Faulk, Gaston, Goodwin, Grimsley, Hall, Hammett, Holley, Holmes, Johnson (A.L.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Langford, Lauderdale, Layton, McMillan, Manley, Mathis, Melton, Minus, Mitchell, Newman, Nicholson, Parker, Penry, Poole, Rains, Rice, Richardson, Sasser, Scott, Seibels, Smith, Starkey, Starr, Thomas, Venable, Warren, White (L), Wilson, Wright and Zoghby.

—57

H. 614 RESUMED FROM THE TWENTY-FOURTH LEGISLATIVE DAY

And the bill:

H. 614. (With Amendment): To amend Sections 41-7-1 and 41-7-5, Code of Alabama 1975, which established the bureau of publicity and information, so as to change the name to the bureau of tourism and travel.

Was taken up.

AMENDMENT TABLED

The question was then on the adoption of the amendment reported by

the Standing Committee on State Administration and on motion of Rep. Rice, the amendment was tabled.

Yeas 65; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Blakeney, Box, Brakefield, Browder, Butler, Carter, Clark, Clikas, Coburn, Coleman, Dutton, Escott, Faulk, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harvey, Holley, Howard, Johnson (A.L.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Langford, Lauderdale, Layton, McKee, McMillan, Mathis, Melton, Mitchell, Murphy, Nevett, Newman, Nicholson, Owens, Penry, Poole, Rains, Rice, Richardson, Sasser, Scott, Smith, Starkey, Starr, Tucker, Turnham, Venable, Waggoner, Warren, White (L), Wilson, Wright and Zoghby.

—65

And the bill, H. 614, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 89; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Blake, Blakeney, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drinkard, Escott, Faulk, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Martin, Mathis, Melton, Minus, Mitchell, Moore, Nevett, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Thomas, Turner, Turnham, Venable, Waggoner, Warren, White (L), Wilson, Wright and Zoghby.

—89

CO-SPONSORS ADDED

The following were added as co-sponsors to the bill, H. 614:

Mr. Speaker, Adams, Bennett, Blake, Blakeney, Box, Brakefield, Browder, Bryant, Butler, Carter, Clikas, Coburn, Coleman, Davis, Drinkard, Dutton, Escott, Faulk, Ford, Freeman, Gaston, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Horn, Howard, Johnson (A.L.), Johnson (Roy), Junkins, Kvalheim, Langford, Lauderdale, Lewis, McMillan, Melton, Mitchell, Moore, Nevett, Newman, Nicholson, Parker, Payne, Penry, Poole, Rains, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Tucker, Turner, Venable, Waggoner, Warren, White (L), Wright and Zoghby.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Crow, the rules were suspended in order to take up out of order the bill, H. 301.

And the bill:

H. 301. To amend Section 9-11-53, Code of Alabama 1975, relating to annual resident fishing licenses, so as to delete the requirement of said li-

censes for residents of this state over 65 years of age and to require in place thereof proof of age and permanent residence to be on said persons while fishing.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 84; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Campbell, Carter, Casey, Clark, Clikas, Coleman, Cosby, Crow, Davis, Drinkard, Escott, Faulk, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Horn, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Mathis, Melton, Minus, Mitchell, Moore, Nevett, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Rains, Rice, Richardson, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Turner, Turnham, Venable, Warren, White (L), Wilson, Wright and Zoghby.

—84

CO-SPONSORS ADDED

The following were added as co-sponsors to the bill, H. 301:

Reps.: Adams, Ashley, Bennett, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Butler, Carter, Casey, Clikas, Coleman, Davis, Escott, Faulk, Ford, Freeman, Gaston, Goodwin, Grimsley, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McMillan, Mathis, Melton, Mitchell, Nevett, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Rains, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Thomas, Tucker, Turner, Turnham, Venable, Waggoner, Warren, White (L), Wilson, Wright and Zoghby.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Johnson (A.L.), the rules were suspended in order to take up out of order the bill, H. 613.

And the bill:

H. 613. (With Amendment): To provide that any county shall be exempt from the provisions of Section 34-6-8, Code of Alabama 1975, prohibiting the keeping or operating of a pool or billiard table by the public outside of an incorporated city or town having a police force, by enactment of a local law therefor.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Government, said committee amendment being as follows:

Amend House Bill 613, Page 1, Synopsis, line 15 after the word "local" by striking the word ~~law~~ and inserting in lieu thereof the following: resolution.

Further amend House Bill 613, Page 1, Title, line 26 after the word "local" by striking the word ~~law~~ and inserting in lieu thereof the following: resolution.

Further amend House Bill 613, Page 1, Section 1, line 34 after the words "by the" by striking the word ~~legislature~~ and inserting in lieu thereof the following: county commission.

Further amend House Bill 613, Page 1, Section 1, line 35 by striking the word ~~law~~ and inserting in lieu thereof the following: resolution.

And the amendment was adopted.

Yeas 64; Nays 0.

Yeas:

Reps.: Adams, Ashley, Bennett, Blake, Blakeney, Box, Brooks, Browder, Bryant, Butler, Campbell, Carter, Casey, Clark, Clikas, Cosby, Crow, Davis, Escott, Faulk, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Harper, Harvey, Holley, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Langford, Lauderdale, Layton, McMillan, Mathis, Melton, Minus, Mitchell, Nevett, Newman, Nicholson, Parker, Penry, Poole, Rice, Rogers, Sasser, Scott, Smith, Starkey, Starr, Thomas, Turner, Venable, Warren, White (L.), Wilson, Wright and Zoghby.

—64

And the bill:

H. 613. To provide that any county shall be exempt from the provisions of Section 34-6-8, Code of Alabama 1975, prohibiting the keeping or operating of a pool or billiard table by the public outside of an incorporated city or town having a police force, by enactment of a local resolution therefor.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 67; Nays 8.

Yeas:

Reps.: Adams, Ashley, Bennett, Biddle, Box, Browder, Bryant, Butler, Campbell, Carter, Clark, Clikas, Coleman, Cosby, Crow, Davis, Escott, Faulk, Flowers, Freeman, Gaston, Goodwin, Grimsley, Hall, Hammett, Harvey, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McMillan, Mathis, Melton, Moore, Nevett, Newman, Nicholson, Parker, Payne, Penry, Poole, Preuitt, Rice, Richardson, Sasser, Scott, Seibels, Starkey, Starr, Thomas, Thornton, Trammell, Turner, Turnham, Venable, Waggoner, White (F), White (L), Williams, Wright and Zoghby.

—67

Nays: Mr. Speaker, Blake, Casey, Grouby, Holley, Mitchell, Smith and Warren.

—8

CO-SPONSORS ADDED

Reps. Hall, Starkey, Melton, Seibels and Ashley were added as co-sponsors to the bill, H. 613.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Davis, the rules were suspended in order to take up out of order the bill, H. 813.

And the bill:

H. 813. To create the Alabama Indian Affairs Commission; to prescribe the powers, duties and authority of the Commission, and to provide for the selection, term, qualifications, and compensation of the members thereof; to provide for the appointment, duties, and compensation of an Executive Director and other employees of the Commission; and to repeal Sections 41-9-700 through 41-9-707, Code of Alabama, 1975.

Was taken up.

AMENDMENT OFFERED

Rep. Box offered the following amendment #1 to the bill, H. 813:

Amend H.B. 813 on page 2, Section 1, line 7 by or adding after the word "Mobile" the following: "And Washington Counties"

and inserting in lieu thereof, the following: "County; the Mowa Band of Choctaws of Washington County"

And the amendment was adopted.

Yeas 76; Nays 2.

Yeas:

Mr. Speaker, Ashley, Bennett, Biddle, Blake, Box, Brakefield, Brooks, Browder, Bryant, Butler, Campbell, Carothers, Carter, Casey, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Hettinger, Holley, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Lauderdale, Layton, Mathis, Melton, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Parker, Penry, Poole, Preuitt, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Thomas, Thornton, Trammell, Tucker, Turner, White (L), Williams, Wilson, Wright and Zoghby.

—76

Nays: Reps.: Warren and White (F.) —2

AMENDMENT OFFERED

Rep. Box offered the following amendment #2 to the bill, H. 813 as amended:

Amend H.B. 813 on page 1, line 35 by changing "six" to "seven" on page 2, line 10 by changing "six" to "seven" on page 2, line 22, at the beginning of the line, by changing "two" "(2)" to "three" "(3)"

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 75; Nays 2.

Yeas:

Mr. Speaker, Ashley, Bennett, Biddle, Blake, Boles, Bowling, Box,

Brakefield, Brooks, Browder, Butler, Campbell, Carothers, Carter, Casey, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Ford, Gaston, Goodwin, Grouby, Hall, Hammett, Hettinger, Holley, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Langford, Lauderdale, Layton, Lewis, Mathis, Melton, Minus, Moore, Murphy, Nevett, Newman, Nicholson, Parker, Poole, Preuitt, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Thomas, Thornton, Trammell, Tucker, Turner, White (L), Wilson, Wright and Zoghby.

—75

Nays: Reps.: Warren and White (F). —2

AMENDMENT OFFERED

Rep. Davis offered the following amendment to the bill, H. 813 as amended:

Amend H.B. 813 on page 2, Section 1, line 27, by striking the following language:

~~person to fill the unexpired term~~.

and inserting in lieu thereof the following:

Alabama resident Indian person to fill the unexpired term of the respective tribal organization.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 81; Nays 2.

Yeas:

Mr. Speaker, Ashley, Bennett, Biddle, Blake, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drinkard, Dutton, Escott, Ford, Freeman, Gaston, Goodwin, Grimsley, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Horn, Howard, Johnson (A.L.), Johnson, (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Langford, Lauderdale, Layton, Lewis, Mathis, Melton, Minus, Moore, Murphy, Nevett, Newman, Nicholson, Parker, Payne, Poole, Preuitt, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turner, Venable, White (L), Wilson, Wright and Zoghby.

—81

Nays: Reps.: Warren and White (F) —2

And the bill, H. 813, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 86; Nays 5.

Yeas:

Mr. Speaker, Ashley, Bennett, Biddle, Blake, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin,

Grimsley, Grouby, Hall, Hammett, Hettinger, Holley, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Langford, Lauderdale, Layton, Lewis, Martin, Mathis, Melton, Minus, Moore, Murphy, Nevett, Newman, Nicholson, Parker, Payne, Poole, Preuitt, Rains, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Tucker, Turner, Turnham, Venable, White (L), Williams, Wilson and Wright.

—86

Nays: Reps.: Harvey, McKee, Trammell, Warren and White (F.) —5

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Rains, the rules were suspended in order to take up out of order the bill, H. 450.

And the bill:

H. 450. (With Substitute): To provide for and regulate through licensure the business of selling or leasing of timesharing vacation facilities; to place certain duties on the Real Estate Commission and the Attorney General; and to provide penalties for violations of this act or rules, regulations, and orders issued under the authority thereof.

Was taken up.

SUBSTITUTE OFFERED

Rep. Coleman offered the following substitute to the bill, H. 450, and to the pending substitute reported by the Standing Committee on State Administration, said substitute being as follows;

A BILL
TO BE ENTITLED
AN ACT

To provide for and regulate through licensure and registration the business of selling or leasing of timesharing vacation facilities; to place certain duties on the Real Estate Commission and the Attorney General, or the District Attorney of any county of the State of Alabama; and to provide ~~penalties for violations of this act or rules, regulations, and orders issued~~ under the authority thereof.

Be It Enacted by the Legislature:

Section 1. For the purposes of this act the following terms shall have the meanings respectively ascribed to them by this section:

(1) ACCOMMODATIONS. Any hotel or motel room, condominium, or cooperative unit, cabin, lodge, apartment or any other private or commercial structure designed for occupancy by one or more individuals or any recreational vehicle campsite or campground.

(2) BUSINESS ENTITY. Any individual, corporation, firm, association, joint venture, partnership, trust, estate, business trust, syndicate, fiduciary, and any other group or combination which engages in acts or practices in any trade or commerce.

(3) CONTRACT. Any contract, promissory note, credit agreement, negotiable instrument, lease, use agreement, license, security or other muniment conferring on the purchaser the rights, benefits and obligations of a vacation time sharing plan.

(4) COMMISSION. The Alabama Real Estate Commission.

(5) COMMISSIONER. A member of the Alabama Real Estate Commission.

(6) FACILITIES. Any structure, service or property whether improved or unimproved made available to the purchaser for recreational, social, family or personal use.

(7) SELLER. Any owner of a vacation time sharing plan or any business entity, including but not limited to an agent, dealer, distributor, franchiser, subsidiary, assignee, reseller, broker or any other representative thereof who, for a fee, commission or other valuable consideration, negotiates or attempts to negotiate the listing, sale, auction, purchase, exchange or lease of any real estate or the improvements thereon or collects rents or attempts to collect rents, or who advertises or holds himself out as engaged in any of the foregoing activities. Provided however, that the provisions of this act shall not be applicable to:

a. The resale of a single vacation time sharing unit by the owner of such unit, when the seller owns no more than one such unit.

b. Agencies and instrumentalities of the state or federal government nor to employees of any lender or public officials making appraisals for federal, state or local units of government, nor to anyone making appraisals through such employees for lending or governmental purposes.

And provided further that the sales licensure provisions of this act shall not be applicable to the sale of real estate by anyone who owns a fee simple interest of at least ten percent therein, or to the attorney at law of such owner acting within the scope of his duties as an attorney at law. Ownership of stock in a corporation is not ownership of an interest in real estate owned by the corporation and does not exempt such stockholder from any provision of this act unless the stockholder owns or controls at least ten percent of the stock of the corporation. This provision exempts owners from only the sales license requirements of this act. All other requirements of sellers under this act shall apply to owners of vacation time sharing plans.

(8) VACATION TIME SHARING OWNERSHIP PLAN. Any arrangement, plan, or similar device, whether by tenancy in common, sale, deed or by other means, which is subject to supplemental agreement or contract for use of the time sharing unit, whereby the purchaser receives an undivided fee simple ownership interest in and the right to use accommodations or facilities, or both, for a specific period of time during any given year, but not necessarily for consecutive years, which extends for a period of more than one year.

(9) VACATION TIME SHARING LEASE PLAN. Any arrangement, plan, or similar device, whether by membership agreement, lease, rental agreement, license, use agreement, security or other means, whereby the purchaser receives a right to use accommodations or facilities, or both, but does not receive an undivided fee simple interest in the property, for specific period of time during any given year, but not necessarily for consecutive years, and which extends for a period of more than one year.

Such lease plans shall not include an arrangement or agreement whereby a purchaser in exchange for an advance fee and yearly dues is entitled to select from a designated list of facilities located in more than one state accommodations, of companies which operate in at least nine states in the United States through franchises or ownership, for a specified time pe-

riod and at reduced rates and under which no interest in real property is transferred.

(10) VACATION TIME SHARING PLAN. Either a vacation time sharing ownership plan or a vacation time sharing lease plan as defined herein.

(11) TIME SHARING UNIT. The actual accommodations and related facilities which are the subject of the vacation time sharing ownership plan or lease plan.

(12) SUBSTANTIALLY COMPLETE. All structural components and mechanical systems of all buildings containing or comprising any time sharing unit, facilities, or accommodations are finished in accordance with the plans or specifications of the project as evidenced by a recorded certificate of completion executed by an independent registered surveyor, architect or engineer.

(13) UNIT WEEK. A number of consecutive days, normally seven consecutive days in duration, which may reasonably be assigned to purchasers of vacation time sharing plans by the seller.

(14) RECEIVABLE. Any note, contract, promise or any other agreement to pay a fixed or determinable amount of money which, for the purposes of this act, shall not be in arrears for more than ninety days.

(15) FACE VALUE. The principal amount of money represented by any receivable as defined in item (14), together with the amount of all interest collected thereon.

(16) ESCROW AGENT. A bank or trust company doing business in this state or a bonded trust agent bonded in at least the amount of the trust; provided, however, that nothing contained in this act shall operate to prevent investment of funds escrowed pursuant to this act by the bank, trust company or bonded agent and to pay all interest and dividends to the seller of vacation time sharing plans.

(17) ESCROW ACCOUNT. Any funds held or maintained by an escrow agent.

(18) VACATION TIME SHARING SALES LICENSE. A license issued by the Commission authorizing individuals to act as sellers of vacation time sharing plans.

(19) LICENSEE. A person having a vacation Time Sharing sales license.

(20) EXCHANGE COMPANY. Any person owning and/or operating an Exchange Program.

(21) EXCHANGE PROGRAM. Any arrangement allowing owners to exchange occupancy rights with persons owning other timeshares; provided, however, that an exchange program shall not exist if all of the occupancy rights which may be exchanged are in the same timeshare property.

(22) MANAGING AGENT. Any person engaged by the association to manage the timeshare plan and the timeshare property.

(23) VACATION TIME SHARING OWNERSHIP PLANS. Such term shall mean and include:

a. Time sharing ownership plans whereby purchasers are deeded an undivided interest in the facilities with a right to use designated accommoda-

tions for a specific period of time during any given year, but not necessarily for consecutive years, which extends for a period of more than one year; and

b. Interval ownership plans, whereby purchasers are deeded title to designated time sharing units, accommodations or facilities for a specific period of time during any given year, but not necessarily for consecutive years, which extends for a period of more than one year, with remainder after such period to interval plan owners as tenants in common.

(24) QUALIFYING BROKER. A person who is licensed by the Commission as a real estate broker as well as a seller of vacation time sharing plans and who serves in a supervisory capacity to all other licensees acting as sales agents for the vacation time sharing plan which the qualifying broker represents.

Section 2. It shall be a violation of this act for any seller of vacation time sharing plans to:

(1) Sell, lease, encumber or convey in any manner or to solicit or advertise such transactions unless the seller has been duly licensed under the provisions of Section 17 hereunder and unless the vacation time sharing plan and the units thereby affected have first been registered with the Commission. Provided, however, that the registration requirements of this act shall not apply to nor restrict the listing and resale of any vacation time sharing plan when:

a. The vacation time sharing plan to be resold is within an existing time sharing facility currently registered with the Commission pursuant to the requirements of this act;

b. The vacation time sharing plan to be resold is subject to the identical rules, regulations, conditions or limitations on the use of the accommodations or facilities which affect all other vacation time sharing plans within that time sharing facility.

(2) Fail to provide, at the time of registration, to the Commission the following materials, or fail to provide any amendments or changes therein made while sales continue:

a. A copy of the contract by which the rights and obligations of the parties are established.

b. Copies of promotional brochures, pamphlets, advertisements or other material disseminated to the public in connection with the sale of the vacation time sharing plan and verbatim scripts of all radio and television advertising in connection therewith.

c. A statement of the type and business entity through which the business of selling vacation time sharing plans is carried out, including a list of the names and addresses of all directors, principal officers, dealers, distributors and sales personnel soliciting in or from the State of Alabama, and the name and address of the business agent for service of process within the State.

d. Copies of all rules, regulations, conditions or limitations on use of the accommodations or facilities available pursuant to the vacation time sharing plan.

e. A statement as to the existence of all liens on the accommodation or facilities which could affect the rights of the purchaser or his assignee, together with the location, date and filing book and page number where such liens are recorded.

f. A synopsis of any sales presentation made by the seller to the purchaser over the telephone or other electronic device.

g. A projected budget of all recurring expenses which may become the responsibility of all time sharing purchasers.

h. Evidence that the time sharing plan owner or his agent shall furnish a surety bond payable to the State of Alabama in the amount of $100,000, or $5,000.00 per time sharing unit, whichever is greater, with a surety company authorized to do business in Alabama, which bond shall provide that the obligor therein will pay to the extent of $100,000.00 any judgment or judgments which may be recovered against the vacation time sharing plan owner or seller for any actual loss or damage arising against such vacation time sharing plan owner or seller from the activities of the time sharing plan owner or seller, or their agents or representatives, conducted under this act. Such bond must remain in effect for as long as the time sharing plan shall be registered. In the event such bond is revoked by the surety company, the time sharing owner shall have 10 days in which to obtain a new bond and file such with the Commission. The lack of a bond shall be grounds for the suspension of the registration of the time sharing plan.

Upon receipt of all items required by this Section, the commission shall determine the sufficiency thereof and upon satisfactory compliance with this act, shall issue its order approving their use. The vacation time sharing plan shall then be deemed registered. Promotional or advertising material developed after the initial registration of a time sharing plan may be used without prior approval of the Commission provided that such material is in compliance with this act and further provided that it is submitted to the Commission within ten days after its initial public use.

(3) Fail to include in all advertising of any vacation time sharing plan a statement which clearly states that the seller is offering a time sharing interest.

(4) Fail to include in all advertising of any vacation time sharing plan which offers a time sharing interest of less than fee simple a statement which clearly states that the interest being offered is less than a fee simple ownership interest.

Section 3. It shall be a violation of this act for any owner or business entity offering vacation time sharing plans for sale to the public to fail to keep among its business records the following:

(1) A copy of each item required to be submitted to the commission under Section 2 of this act.

(2) A copy of the contract from each sale of the vacation time sharing plan, which contract shall be retained for a period of at least three years after parties to the vacation time sharing plan have completely performed all of their obligations thereunder.

(3) A list of all employees directly involved in the development, sale, or advertising of the vacation time sharing plan or plans, including their last known mailing addresses, which list shall include all current employees and all previous employees whose employment has been terminated within the preceding thirty-six months.

Section 4. It shall be a violation of this act for the seller of a vacation time sharing plan to fail to utilize and furnish the buyer with a fully completed copy of a contract pertaining to such sale at the time of its execution which shall include:

(1) The actual date the contract is signed by all parties.

(2) The name and address of the seller.

(3) In immediate proximity to the space reserved in the contract for the signature of the buyer and in no smaller type than contained in the body of the contract:

a. In the case of a vacation time sharing lease plan, the following statement:

"You may cancel this contract without penalty or obligation within seven days, not including Sunday if that is the seventh day, from the above date. You may also cancel this contract at any time in case the accommodations or facilities are no longer available as provided in the contract. If you decide to cancel, you must notify the seller in writing of your intent to cancel by sending notice to (name of seller) by certified mail, return receipt request at (seller's address)."

b. In the case of a vacation time sharing ownership plan, the following statement:

"You may cancel this contract without penalty or obligation within seven days, not including Sunday if that is the seventh day, from the above date, by notifying the seller in writing of your intent to cancel, sending his notice thereof by certified mail, return receipt requested."

c. It shall be a violation of this act for the seller of a vacation time sharing ownership plan to fail to furnish the buyer with an inventory of all furniture, fixtures and appliances which will be located in the accommodation during the time period purchased under a vacation time sharing ownership plan or at closing.

Section 5. It shall be a violation of this act for the seller of vacation time sharing plans, or his assignees, to fail or refuse to honor a buyer's request to cancel a contract as provided by Section 4 of this act if such request is made; provided however, nothing contained in this section shall operate to deny the seller the option to repair, replace or reconstruct within a reasonable time the accommodations or facilities if destroyed or damaged; provided that such repair, replacement or reconstruction shall bring such accommodations or facilities back to a state reasonably the same as before the damage or destruction.

Section 6. It shall be a violation of this act for a seller of vacation time sharing plans to:

(1) Fail to refund any and all payments made by the buyer under the contract and return any negotiable instrument, other than checks, executed by the buyer in connection with the contract or services within twenty days after receipt of notice of cancellation made pursuant to Section 4 of this act, if the buyer has not received any benefits pursuant to the contract.

(2) If the buyer has received any benefits pursuant to the contract, fail to refund within thirty days after receipt of notification of cancellation made pursuant to Section 4 or Section 5 of this act any and all payments made by the buyer to the seller which exceed a pro rata portion of the total price, taking into consideration the cost of use of the time share facilities at an average rental rate per unit for all time share units, representing the proportion of any contract benefits actually received by the buyer during the time preceding cancellation.

(3) Fail to place in an escrow account one hundred percent of the funds

received from the purchasers of such plans, where the seller of the time sharing plan transfers an interest herein to the purchaser, which escrow account shall provide that:

a. Its purpose is to protect the buyer's right to refund during the seven day right to cancellation period provided in Section 4 or Section 5 of this act, and

b. Funds may be withdrawn by the seller upon transfer to the buyer after expiration of the respective cancellation period provided in such Sections 4 or 5.

Section 7. It shall be a violation of this act for any seller of vacation time sharing plans, or his assignees, to misrepresent in any manner the buyer's right to cancel provided by this act.

Section 8. (a) It shall be a violation of this act for any seller of vacation time sharing plans to sell, lease, assign or otherwise transfer the seller's interest in the vacation time sharing plan or the accommodations or facilities to a third party when such a sale, lease, assignment or other transfer substantially affects the rights of other owners of the time share units, unless:

(1) The third party agrees in writing to fully honor the rights of purchasers of the vacation time sharing plan to occupy and use the accommodations or facilities, and

(2) The third party agrees in writing to fully honor rights of purchasers of the vacation time sharing plan to cancel their contracts and receive an appropriate refund as provided in this act, and

(3) The third party agrees in writing to comply with the provisions of this act for as long as the third party continues to sell the vacation time sharing plan, or for as long as purchasers of the vacation time sharing plan are entitled to occupy the accommodations or use the facilities, whichever is longer in time, and

(4) Written notice is given to each purchaser of a vacation time sharing plan affected thereby, and notice shall be sent by certified mail within thirty days of the sale, lease, assignment or other transfer.

(b) The provisions of this section shall not be construed to apply to the sale of a single unit or to prevent the seller's right to sell, discount, or hypothecate for value receivables in favor of any bank, mortgage company, or other lending institution and such transactions shall be exempt from the requirements of the Section.

Section 9. (a) It shall be a violation of this act for a seller of vacation time sharing lease plans to fail to:

(1) Place in escrow fifty percent of the cash or receivables received from the purchasers of such plans less applicable local, state and federal taxes, provided, that in the event receivables are placed in escrow such receivables shall be set at face value and shall equal one hundred ten percent of the fifty percent required in this subdivision.

a. The purpose of such escrow account is to protect the purchaser's right to a refund if at any time the accommodations and facilities are no longer available as provided in the contract; "Provided however, nothing contained in this section shall operate to deny the seller the option to repair, replace or reconstruct, within a reasonable time, the accommodations or facilities, if destroyed or damaged."

b. The purchaser shall be entitled to a refund from the escrow account upon the conditions described above in the amount which represents the buyer's pro rata share of the monies therein.

c. Funds may be withdrawn by seller from the escrow account in the ratio of the amount of time available for use by the purchaser of the vacation time sharing lease plan in relation to the total time available in the plan.

d. The escrow agent shall release or dispense funds from the escrow account to the seller of a vacation time sharing lease plan only upon receipt of a sworn statement from the seller that the accommodations and facilities have been available for use by the purchaser according to the term of the purchaser's contract.

e. When all outstanding liens, debts or encumbrances on the time sharing accommodations and facilities have been fully discharged the escrow account may be discontinued.

(2) In lieu of the escrow account provided in subdivision (1), a seller of vacation time sharing lease plans may:

a. Assign to an escrow agent receivables, the income from which shall be adequate to pay all liens or encumbrances secured by the time sharing facilities or accommodations.

1. Should net income from such escrowed receivables be insufficient to pay all liens or encumbrances as aforesaid, the escrow agent shall so notify the seller in writing, and the seller shall within 15 days after notice pay unto the escrow agent the amount of such deficit.

2. When all liens and encumbrances on the time sharing facilities have been fully discharged, the escrow account may be discontinued.

b. Sell, hypothecate or discount receivables, the proceeds from which shall be deposited with an escrow agent and administered in the manner prescribed by paragraph (2) a of subsection (a) of this section.

When any portion of the time sharing accommodations and facilities have been fully released from all liens or encumbrances, the escrow requirements of this subdivision may be proportionately decreased.

(3) Provide the purchaser with liability and casualty insurance at the seller's expense for the accommodations and facilities to be used by the vacation time sharing lease plan purchaser in an amount equal to the replacement cost of such accommodations and facilities, or the maximum amount of insurance available on the accommodations and facilities, according to generally accepted underwriting principals for similar properties in the same area, and to deposit with an escrow agent, annually, sufficient funds for the payment of all insurance premiums, taxes, and assessments levied against the accommodations and facilities; or, in the alternative, provide for the assessment against the purchaser by an association or duly appointed agent for the owners of such escrow funds for all costs including insurance premiums, taxes, assessments, maintenance repairs and management fees.

(4) Provide the purchaser with an instrument, in recordable form, which provides notice to all subsequent creditors of the seller of the existence of the vacation time sharing plan rights of the purchaser. Such instrument shall be provided to the purchaser by the seller at the time of signing of the contract. When recorded, such instrument shall serve to protect the purchaser's interest in the seller's accommodations from any claims by sub-

sequent creditors of the seller.

(5) Provide a document which explains the content, purpose and protection afforded to the purchaser by the documents described in subdivision (4) along with the procedure necessary to follow in order to secure to the purchaser the rights and protections which such documents provide.

(b) It shall be a violation of this act for a seller of vacation time sharing ownership plans to fail to:

(1) Deposit with an escrow agent no less than fifty percent of the cash or receivables received from the purchasers of such plans, less applicable local, state and federal taxes; provided, that in the event receivables are placed in escrow, such receivables shall be set at face value and shall equal one hundred ten percent of the fifty percent required in this item.

a. The purpose of the escrow account required hereunder is to protect the purchaser's ownership interest in the accommodations or facilities and to provide funds from which periodic payments can be made to retire any outstanding indebtedness on the time sharing facilities or accommodations.

b. The escrow agent shall release or dispense to the seller of the vacation time sharing ownership plan funds from the escrow account, at least quarterly but not more frequently than monthly, in an amount which shall not exceed one hundred percent of the sum of all accrued indebtedness secured by the time sharing accommodations or facilities.

c. Prior to the release or dispensing of such escrow funds, the seller shall furnish the escrow agent with a sworn statement which reveals by category the total amount of all liens or indebtedness secured by the time sharing accommodations or facilities, the amount of indebtedness anticipated during the next succeeding reporting period and the amount of any deficit or surplus accuring from the preceding reporting period.

d. When all outstanding liens or encumbrances secured by the time sharing facilities or accommodations have been fully discharged, the escrow account may be discontinued.

(2) In lieu of the escrow account provided in subdivision (1) of this subsection (b), a seller of vacation time sharing ownership plans may alternatively:

a. Assign to an escrow agent receivables, the income from which shall be adequate to pay all liens or encumbrances secured by the time sharing facilities and accommodations.

1. Should net income from such escrowed receivables be insufficient to pay all recurring debts as aforesaid, the escrow agent shall so notify the seller in writing and the seller shall within fifteen days after notice pay into the escrow account the amount of such deficit.

2. When all liens and encumbrances on the time sharing facilities have been fully discharged, the escrow account may be discontinued.

b. Sell, hypothecate or discount receivables, the proceeds from which shall be deposited with an escrow agent and administered in the manner prescribed by paragraph (2) a of this subsection (b).

c. When any portion of the time sharing accommodations and facilities have been fully released from all debts, liens or encumbrances, the escrow requirements of this subdivision may be proportionately decreased.

3. Provide the purchaser with liability and casualty insurance at the seller's expense for the accommodations and facilities to be used by the vacation time sharing lease plan purchaser in an amount equal to the replacement cost of such accommodations and facilities, or the maximum amount of insurance available on the accommodations and facilities, according to generally accepted underwriting principals for similar properties in the same area, and to deposit with an escrow agent, annually, sufficient funds for the payment of all insurance premiums, taxes, assessments levied against the accommodations and facilities. In the alternative, provide for the assessment against the purchaser by an association or duly appointed agent for the owners of such escrow funds for all costs including insurance premiums, taxes, assessments, maintenance, repairs and management fees.

Section 10. It shall be a violation of this act for any seller of vacation time sharing plans to fail to fully disclose in the contract in boldface type of a size no smaller than any other type used in the body of the contract to purchaser:

(1) The total financial obligation of the purchaser, which shall include the initial purchase price and any additional charges to which the purchaser may be subject.

(2) Any individual or business entity which has or may have the right to alter, amend or add to charges to which the purchaser may be subject and the terms and conditions under which such charges may be imposed.

(3) The nature and duration of each agreement between the business offering, the vacation time sharing plans for sale and the individual or business entity managing the accommodations or other facilities.

(4) In immediate proximity to the space reserved in the contract for the signature of the buyer and in boldface type of the same size as required by subdivision (3) of Section 4 of this act a statement as follows:

"No purchaser should rely upon representations other than those included in the contract."

However, inclusion of this statement shall not impair the purchaser's right to bring any legal action based upon any cause of action arising from oral statements.

(5) The date of availability of each amenity of the offered accommodations and facilities when they are not completed at the time of sale of such plan.

(6) The specific term of the contract.

Section 11. It shall be a violation of this act for any seller of vacation time sharing plans to:

(1) Use any promotional device, including but no limited to sweepstakes, lodging certificates, gift awards, premiums, or discounts, without fully disclosing that such promotional devices are being used for the purpose of soliciting the sale of vacation time sharing plans and without fully disclosing the retail value of each such device and the approximate odds of winning each award or prize offered.

(2) Use any promotional device as set forth above to obtain the names and addresses of prospective purchasers without fully and prominently disclosing that names and addresses so acquired will be used for the purpose of soliciting the sale of the vacation time sharing plans.

(3) Misrepresent the amount of time or period of time the accommodations and facilities will be available to any purchaser.

(4) Misrepresent or deceptively represent the location of the offered accommodations and facilities.

(5) Misrepresent the size, nature, extent, qualities or characteristics of the offered accommodations and facilities.

(6) Misrepresent the nature or extent of any services incident to the accommodations and facilities.

(7) Make any misleading or deceptive representations with respect to the contents of the contract or the buyer's rights, privileges or benefits thereunder.

(8) Fail to honor and comply with all provisions of the contract with the purchaser.

(9) Misrepresent the conditions under which a customer may exchange his rights to an accommodation in one location for rights to an accommodation in another location.

(10) Include in any contract any provision purporting to waive any right or benefit provided for purchasers under this act, or to seek or solicit such a waiver during the effective period of these rules.

(11) Do any other act which constitutes fraud, misrepresentation or failure to make a disclosure of a material fact.

(12) Perform any sale for which a vacation time sharing license is required unless the seller is either exempted from the license requirement, a duly authorized and licensed qualifying broker, or a duly licensed seller acting under the sponsorship and supervision of a qualifying broker.

Section 12. The Commission may upon its own motion, or upon the verified complaint in writing of any person, hold a hearing regarding an alleged violation by any person or business entity of this act. Any person found guilty of having violated this act shall be subject to the refusal of a license, if not licensed; or, if licensed, to the suspension or revocation of such license and/or a monetary penalty of not less than $25.00 nor more than $500.00.

Such hearing shall be held in a manner prescribed by the Alabama Administrative Procedure Act, the Alabama Real Estate License Law, and the Rules and Regulations of the Alabama Real Estate Commission. The reinstatement of a license suspended or revoked as a result of a violation of this act may be made conditional upon the fulfillment of such reasonable conditions as are imposed by the Commission.

The penalties and procedures outlined in this section shall not be construed to supersede or conflict with penalties and procedures outlined in other sections of this act.

For the purposes of this act, a willful violation occurs when the person committing the violation knew or should have known that his conduct was in violation of this act.

Provided, that a deficiency in an escrow required by this act, which results solely from the cancellation or worthlessness of receivables previously placed in escrow, shall not be considered a violation of this act. In the event of an escrow deficiency, a lender who has advanced funds to a project

shall have no liability to contribute funds to the escrow to cure the deficiency, and the lender's lien on the property shall not be affected by the deficiency.

Section 13. The Alabama Real Estate Commission shall be responsible for the enforcement and implementation of this act, and the Attorney General of the State of Alabama, or the District Attorney of any county of the State of Alabama upon request by the Commission, shall assist the Commission in the enforcement of this act and the prosecution of violations hereunder. The Commission shall promulgate rules for the implementation of this act and such rules shall be consonant with the Alabama Administrative Procedure Act. The provisions of this act shall not be construed to limit in any manner the right of a purchaser or lessee or other party to bring a private action to enforce the provisions of this act.

Section 14. If a seller files with the Commission any vacation time sharing plan or any amendment thereto which describes or concerns time sharing units, accommodations or facilities not substantially completed, the seller, upon request of the Commission, shall file with the Commission the following:

(1) A verified statement showing all costs involved in completing the property.

(2) A verified statement of the time of completion of construction of the property.

(3) Satisfactory evidence of sufficient funds to cover all costs to complete the property.

(4) A copy of the executed construction contract and any other contracts for the completion of the property.

(5) A one hundred percent payment performance bond from a surety company authorized to do business in Alabama, covering the entire cost of construction of the property.

(6) If purchasers' funds are to be used for the construction of the property, an executed copy of the escrow agreement with an escrow company or financial institution authorized to do business within the State, which provides that:

a. Disbursements of purchasers' funds may be made from time to time to pay for construction of the property; architectural, engineering, finance, and legal fees; and other costs for the completion of the property in proportion to the value of the work completed by the contractor as certified by a registered surveyor, architect, or engineer on bills submitted and approved by the lender of construction funds or the escrow agent.

b. Disbursement of the balance of purchasers' funds remaining after completion of the property may be made only after either the escrow agent or lender received satisfactory evidence that the period for filing mechanics' and materialmen's liens has expired, or the right to claim those liens has been waived or other adequate provision has been made for satisfaction of any claimed mechanics' or materialmen's lien; and

c. Any other restrictions relative to the retention and disbursement of purchasers' funds required under the rules of the Commission have been met; and

d. Any other materials or information required under the rules of the Commission have been provided.

(7) The Commission shall not register or issue any order approving any vacation time sharing plan unless the Commission determines, on the basis of materials submitted by the developer, that the time sharing units, accommodations, or facilities or any additions thereto will be completed.

Section 15. (a) For the registration of all vacation time sharing plans and the accommodations and facilities affected thereby which are located within the State, there shall be paid to the Commission the initial sum of five hundred dollars, together with an annual renewal fee of two hundred dollars.

(b) For the registration of all vacation time sharing plans and the accommodations and facilities affected thereby which are located outside the State, there shall be paid to the Commission the initial sum of five hundred dollars, together with the annual renewal fee of two hundred dollars. All books, files, accounts and other documents pertaining to the advertisement and sale of vacation time sharing plans located outside the State shall be subject to examination by the Commission and the business entity whose documentation is being examined shall pay a fee of five hundred dollars plus the actual expenses, including the cost of transportation, of the examiner representing the Commission while he is absent from his office for purposes of conducting the examination.

(c) The Commission shall retain such fees and other funds which may come into its possession to defray expenses in the administration and enforcement of this act.

(d) If the Commission determines that the registration or operation of any vacation time sharing plan violates the provisions of this act in such manner as indicates bad faith or dishonesty, the Commission, after notice and hearing, may assess all reasonable cost of investigation and prosecution of such violations.

Section 16. The proceeds from the sale or resale of any vacation time sharing lease plan shall be exempt from the transient occupancy tax imposed by Section 40-26-1 of the Code of Alabama 1975.

Section 17. (a) Any person desiring to act as a seller of vacation time sharing plans shall file with the Commission a written application upon such form as the Commission shall designate and shall pass to the satisfaction of the Commission the examination hereinafter prescribed.

(b) Prerequisites for taking the vacation time sharing sales examination are as follows:

(1) Evidence satisfactory to the Commission that the applicant bears a good reputation for honesty and truthfulness.

(2) The applicant must not have been convicted of any criminal offense involving moral turpitude or of any felony.

(3) The applicant must be a permanent resident of Alabama and at least nineteen years of age.

(4) The applicant must be a citizen of the United States or shall possess a certification of lawful permanent residence issued by the immigration and naturalization bureau of the United States government.

(c) The Commission shall prepare and conduct an examination on the fundamentals of this act and related topics and shall schedule such examination at least quarterly. No applicant shall be entitled to examination unless all prerequisites enumerated above have been met as determined by the

Commission. The minimum passing grade shall be seventy percent.

(d) Every applicant shall pay the sum of seventy-five dollars for each examination taken. Every applicant shall also pay a license fee of fifty dollars upon successful completion of the examination. The Commission shall be entitled to retain all fees collected to defray its expenses. No fees collected hereunder shall be in lieu of any business license fees or taxes imposed by any city, county or municipal authority. The Commission shall be entitled to contract with any outside source to prepare and conduct vacation time sharing sales examination in its behalf and to pay for the reasonable cost thereof from the examination fees collected.

(e) Vacation time sharing sales licenses shall be renewed annually on or before September thirtieth. Upon submission of a renewal request in such form as the Commission shall prescribe and payment of a fifty dollar renewal fee. Failure to timely renew shall result in cancellation of the license.

(f) Any vacation time sharing sales licensee shall be either a qualifying broker for a vacation time sharing plan or shall be licensed under such a qualifying broker, and the qualifying broker must be in a supervisory capacity to each time sharing sales licensee licensed under him.

(g) The qualifying broker for a vacation time sharing plan must meet all the general requirements for a time sharing sales license and must have a current, active real estate broker's license issued under the Alabama Real Estate License Law as well as a time sharing sales license.

(h) The qualifying broker for a vacation time sharing plan shall sign a statement accepting the responsibility for the actions of any licensee licensed under him and for the sales actions of the vacation time sharing plan for whom he is the qualifying broker. Each qualifying broker shall have the duty and responsibility of insuring that every seller licensed under him, as well as the vacation time sharing plan for which he is the qualifying broker, comply with the provisions of this chapter, and the broker shall be responsible to any injured party for actual damages caused to such party by any violation of this chapter by any vacation time sharing plan or seller for whom he is acting as qualifying broker.

(i) There shall be a license transfer fee of $50.00 for any of the following: a change of qualifying broker; a change of name or address of the vacation time sharing plan; a change of name of a licensee; a change of employment by a licensee; or the activation of an inactive license.

(j) In each case where a vacation time sharing plan shall have more than one site, it must be demonstrated that the qualifying broker for the plan will be able to provide supervision over all other licensees. In the event that adequate supervision cannot be provided by a single qualifying broker, then there shall be such additional qualifying broker(s) assigned as to provide such supervision. Such additional qualifying brokers will each be designated as a broker for a particular site or sites and shall sign statements accepting responsibility for the actions of all licensees assigned to the respective site or sites, as well as responsibility for the acts or omissions of the vacation time sharing plan with respect to the site for which he is the qualifying broker.

(k) No applicant to be a seller of vacation time sharing plans shall be issued a license by the Commission unless the applicant is either designated as a qualifying broker by a representative of a vacation time sharing plan authorized to make such a designation, or sponsored by a qualifying broker who has signed a written statement accepting sponsorship of the applicant.

(l) No vacation times sharing licensee shall perform any of the acts authorized by such license until the license certificate is in his actual possession, if the licensee is a qualifying broker, or in the possession of his sponsoring broker, if the licensee is not a qualifying broker.

(m) A licensee may place his license on inactive status with the Commission for a period of up to twenty-four consecutive months and may renew his license while it is on inactive status. It shall be the duty of the licensee to inform the Commission of any change in his mailing address. No license which is on inactive status will be reactivated without the Commission receiving evidence that the licensee's surety bond is in effect.

Section 18. (a) Every vacation time sharing plan for sale or offered for sale in this State shall be registered with the Alabama Real Estate Commission as follows:

(1) Upon receipt of an application for registration in the required form, the Commission shall forthwith initiate an examination to determine that:

(a) The seller may convey or cause to be conveyed the vacation time sharing plan offered for sale if the purchaser complies with the terms of the offer.

(b) The advertising material and general promotional plan are not false or misleading as determined by the Commission.

(c) The requirements of this act and the rules of the Commission have been fulfilled.

(d) The seller has not, or if a corporation, its officers, directors, and principals have not been convicted of any crime involving land dispositions, any crime of moral turpitude, any securities law violation, fraudulent business activity, or any aspect of the vacation time sharing business in this State, the United States, or any other state or foreign country within the ten years immediately preceding the date of application, and has not been subject to any injunction or administrative order within the preceding ten years restraining a false or misleading promotional plan involving any of the activities above.

(2) Upon receipt of the application for registration in required form, the Commission shall issue a notice of filing to the applicant. If within thirty days from the date of the notice of filing, the Commission affirmatively determines upon inquiry and examination that the requirements of this act have been met, the Commission shall enter an order registering the vacation time sharing plan or rejecting the registration. If no order of rejection is entered within thirty days from the date of notice of filing, the vacation time sharing plan shall be deemed registered unless the applicant has consented in writing to a delay. No reasonable request for an extension of time by the Commission shall be withheld; provided that if the Commission determines upon inquiry and examination that any of the requirements of this act have not been met, the Commission shall notify the applicant that the application for registration must be corrected in the particulars specified within fifteen days. If the requirements are not met within the time allowed, the Commission shall enter an order rejecting the registration which shall include the findings of fact upon which the order is based. The order rejecting the registration shall not become effective for twenty days during which time the applicant may petition for reconsideration and shall be entitled to a hearing.

Section 19. (a) If it appears that a person, firm, corporation, or any

business entity has engaged, or, is about to engage in an act or practice constituting a violation of a provision of this act or rule or order thereunder, the Commission, through the Attorney General, may institute legal actions in accordance with Alabama law to enjoin the acts and practices and to enforce compliance with this act or any rule or order hereunder. The Commission shall contact, whenever practicable, any person or business violating this act prior to recourse to the Circuit Court. Upon proper showing injunctive relief or temporary restraining orders may be granted, and a receiver or conservator may be appointed.

(b) The Commission may:

(1) Make any public or private investigation which it deems necessary, either within or outside of this State, to determine whether any person has violated or is about to violate this act or any rule or order hereunder, or to aid in the enforcement of this act or in the prescribing of rules and forms hereunder.

(2) Require or permit any person to file a statement in writing, under oath or otherwise as the Commission may determine, as to all facts and circumstances concerning the matter to be investigated.

(3) For the purpose of any investigation or proceeding hereunder, the Commission or any officer designated by rule may administer oaths or affirmations, and upon its own motion or upon request of any party shall subpoena witnesses, compel their attendance, take evidence, and require the production of any matter which is relevant to the investigation, including the existence, description, nature, custody, condition and location of any books, documents or other tangible things and the identity and location of persons having knowledge of relevant facts of any other matter reasonably calculated to lead to the discovery of material evidence.

(4) Upon failure to obey a subpoena or to answer questions propounded by the investigating officer and upon reasonable notice to all persons affected hereby, the Commission, through the Attorney General may apply to the Circuit Court for an order compelling compliance.

(5) Issue an order requiring the seller to cease and desist from any unlawful practice and to take such affirmative action as in the judgment of the Commission will carry out the purposes of this act, if, after notice and hearing, the Commission determines that a seller has violated any provisions of this act by:

a. Directly or through any agent of employees knowingly engaging in any false, deceptive, or misleading advertising, promotional, or sales methods to offer or dispose of an interest in any vacation time sharing plan; or

b. Making any substantial change in the plan of development and sale of the vacation time sharing plan subsequent to the order of registration without obtaining the prior written approval of the Commission, or

c. Violating any lawful order or rule of the Commission.

(6) Make findings of fact in writing that the public interest will be irreparably harmed by delay in issuing an order and in such case may issue a temporary cease and desist order. Prior to issuing the temporary cease and desist order, the Commission, whenever possible by telephone or otherwise, shall give notice of the proposal to issue a cease and desist order to the seller. Every temporary cease and desist order shall include in its terms a provision that upon request a hearing will be held promptly to determine whether or not it becomes permanent.

(7) Revoke any registration of a vacation time sharing plan if, after notice and hearing upon a written finding of fact, it determines that the seller has:

a. Failed to comply with the terms of a cease and desist order; or

b. Been convicted in any court of competent jurisdiction subsequent to filing of the application for registration, of a crime involving fraud, deception, false pretenses, misrepresentation, false advertising, or dishonest dealing, or

c. Disposed of, concealed or diverted any funds or assets of any person so as to defeat the rights of vacation time sharing plan purchasers, or

d. Failed to faithfully perform any stipulation or agreement made with the Commission as an inducement to grant any registration, to reinstate any registration, or to approve any promotional plan or advertisement; or

e. Made intentional misrepresentations or concealed material facts in the application for registration. Findings of fact that a specific provision of law has been violated shall be accompanied by a concise and explicit statement of the underlying facts supporting the findings.

(8) Issue a cease and desist order instead of revoking a registration if it finds, after notice and hearing, that the seller has been guilty of a violation for which revocation could be ordered.

Section 20. (a) Every applicant for a license under this act, either original or renewal, shall furnish a surety bond payable to the State of Alabama in the amount of $5,000.00 if a time sharing salesman or $10,000.00 if a broker, with a surety company authorized to do business in Alabama, which bond shall provide that the obligor therein will pay to the extent of $5,000.00 or $10,000.00, respectively, any judgment which may be recovered against such licensee for actual loss or damage arising from his activities conducted under this act. Said bond shall be filed with the Alabama Real Estate Commission prior to the issuance of such license. A new bond or a renewal or continuation of the original bond shall be required for each licensing period. If a continuous bond is filed with the Commission prior to the issuance of such license, no such renewal bond must be filed as long as the continuous bond remains in force and effect. In the event the continuous bond is revoked by the surety company, it shall immediately notify the Commission and the licensee shall have 20 days in which to file another bond with the Alabama Real Estate Commission or his license shall be suspended until such new bond is filed.

(b) If at any time a final judgment is rendered against a licensee under this act and the final judgment shall result from or involve any activity covered by this act, the license of the licensee shall be automatically suspended. A judgment shall be considered final when no further relief is available from said judgment in the appellate courts of Alabama. In case of such suspension of license, the Commission shall give notice to the licensee that his license is suspended, and said licensee shall deliver this license to the Commission for disposition. Upon request by the suspended licensee, the Commission will set a date designating a time and place thereon for a hearing on the question of whether the license under suspension should be revoked, whether the suspension should be continued for a designated period or whether the suspension should be continued until terminated by the Commission upon the fulfillment of reasonable conditions imposed by the Commission. The hearing shall be conducted in accordance with Section 34-27-37 of the Code of Alabama 1975 and such appropriate rules and regula-

tions as may be adopted from time to time by the Alabama Real Estate Commission. No licensee under this act whose license hereunder has been revoked may apply for another license hereunder until at least two years after the date of such revocation; and, in the event of such application for reinstatement, he shall meet all the requirements imposed upon an original applicant for a license under this act; and, furthermore, shall not be relicensed without approval of such relicensing by a majority of the members of the Alabama Real Estate Commission.

(c) Every licensee under this act shall be required to notify the Alabama Real Estate Commission of any civil or criminal action filed or initiated against such licensee within ten days of the receipt of notice by the licensee of the pending civil or criminal action when the civil or criminal action involves a transaction under this act, or involves the indebtedness of the licensee concerning expenses incurred in the development or continuation of a time sharing plan, or involves an alleged act of fraud, theft, misrepresentation, embezzlement, or extortion, or involves an alleged felony. The notification shall be in writing and shall include a copy of any civil complaint or other document alleging a complaint or criminal offense; or, if the licensee is not in possession of such legal documents, the notification shall include a notarized statement by the licensee of the substance of the civil or criminal action.

(d) Every licensee under this act shall be required to notify the Alabama Real Estate Commission of the outcome of any civil or criminal action of the type described in subsection (c) of this section within 10 days of the notice to the licensee of such outcome. This notification shall be in writing and shall include a copy of any judgment, order or other pertinent document issued by the court having jurisdiction of the matter; or, if licensee is not in possession of such legal documents, the notification shall include a notarized statement by the licensee of the nature of the verdict, settlement, dismissal, or other outcome of the subject civil or criminal action.

Section 22. The requirements of this act regarding the establishment and maintenance of escrow accounts shall become effective on October 1, 1984. All other requirements under this act shall become effective October 1, 1983. The Commission shall have until November 30, 1983, to develop and administer its first timesharing license examination.

Until such time as the Commission delivers to sellers of vacation time sharing plan the first issue of the vacation time sharing license, the license requirements of the Alabama Real Estate License Law shall apply to sellers of time sharing plans.

Section 23. All laws or parts of laws which conflict with this act are hereby repealed.

Section 24. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 25. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 79; Nays 0.

Yeas:

Mr. Speaker, Ashley, Bennett, Biddle, Boles, Bowling, Box, Brakefield, Brooks, Bryant, Butler, Campbell, Carter, Casey, Clikas, Coburn, Coleman, Cosby, Davis, Drinkard, Dutton, Escott, Ford, Freeman, Gaston, Goodwin, Grouby, Hall, Hammett, Harper, Hettinger, Holley, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Layton, McMillan, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Parker, Penry, Poole, Rains, Rice, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Tucker, Turner, Turnham, Venable, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

—79

AMENDMENT OFFERED

Rep. Wright offered the following amendment to the bill, H. 450 as amended:

Amend Substitute to H.B. 450 on page 9, line 23 by striking the word ~~seven~~ and in lieu thereof and inserting the word five and to remove the word ~~seventh~~ on line 24 of the same page and insert in lieu thereof the word fifth.

Also amend Substitute to H.B. 450 on page 9, line 34 by striking the word ~~seven~~ and inserting in lieu thereof the word five; and strike the word ~~seventh~~ on line 35 of the same page and inserting in lieu thereof the word fifth.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 78; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Boles, Bowling, Box, Brakefield, Brooks, Buskey, Butler, Campbell, Carter, Casey, Clark, Clikas, Coleman, Cosby, Davis, Drinkard, Dutton, Escott, Ford, Freeman, Gaston, Goodwin, Grouby, Hall, Hammett, Harper, Hettinger, Holley, Holmes, Howard, Johnson (A.L.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Layton, Lewis, McMillan, Mathis, Melton, Minus, Nevett, Newman, Nicholson, Parker, Payne, Penry, Poole, Preuitt, Rains, Rice, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Tucker, Turner, Turnham, Venable, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

—78

And the bill:

H. 450. To provide for and regulate through licensure and registration the business of selling or leasing of timesharing vacation facilities; to place certain duties on the Real Estate Commission and the Attorney General, or the District Attorney of any county of the State of Alabama; and to provide penalties for violations of this act or rules, regulations, and orders issued under the authority thereof.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 89; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Biddle, Blake, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carter, Casey, Clark, Clikas, Coleman, Cosby, Crow, Davis, Drinkard, Dutton, Escott, Flowers, Ford, Freeman, Gaston, Goodwin, Grouby, Hall, Hammett, Harvey, Hettinger, Holley, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Mathis, Melton, Minus, Moore, Nevett, Newman, Nicholson, Parker, Payne, Penry, Poole, Preuitt, Rains, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Tucker, Turner, Turnham, Venable, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

—89

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Flowers, the rules were suspended in order to take up out of order the bill, H. 299.

And the bill:

H. 299. To amend Section 13A-7-1, Code of Alabama 1975, which provides for the definitions relating to the crimes of burglary and criminal trespass, so as to provide further for said definitions.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 81; Nays 1.

Yeas:

Mr. Speaker, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Butler, Carothers, Carter, Casey, Clark, Coburn, Cosby, Crow, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Langford, Lauderdale, Layton, McKee, Mathis, Melton, Minus, Moore, Murphy, Nevett, Newman, Nicholson, Parker, Poole, Rains, Rice, Richardson, Sasser, Seibels, Smith, Starkey, Starr, Stout, Thomas, Trammell, Tucker, Turner, Turnham, Venable, Warren, White (F), White (L), Williams, Wilson and Wright.

—81

Nay: Rep. Buskey. —1

NOTICE IN WRITING

Rep. Turner filed the following Notice in Writing:

Notice is hereby given in accordance with House Rule 49, that on the next Legislative Day, a motion will be made that the House direct the Committee on Ways and Means to act on House Bill 190 and report the same to the House.

NOTICE IN WRITING

Rep. Harper filed the following Notice in Writing:

Notice is hereby given in accordance with House Rule 49, that on the next Legislative Day, a motion will be made that the House direct the Committee on Ways and Means to act on House Bill 69 and report the same to the House.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 44. Relating to Mobile County; further providing for the medically indigent citizens of Mobile County; fixing a definition of medically indigent persons; establishing the Mobile County Indigent Care Board and describing its authority, composition and duties; providing for the transfer to the Mobile County Indigent Care Board of a portion of oil and gas severance tax revenues, designated for and distributed to the General Fund of Mobile County, pursuant to Title 40, Chapter 20, Article 1, Code of Alabama 1975, as amended, to be designated for the provision of medical care to the medically indigent citizens of Mobile County, with certain provisions that unexpended reserves from such source may be returned to the General Fund of Mobile County; and to provide that the provisions of this Act shall be construed cumulatively.

Also:

H. 296. To provide for fair dismissal procedures for non-teachers and non-certified or classified employees in the public school systems, two-year institutions under control of the State Board of Education, the Department of Youth Services and the Alabama Institution for Deaf and Blind, who are not otherwise covered by the States' Merit System, the Teacher Tenure Law, or other state statutes at the time this Act is adopted; to provide procedural and substantive due process of law for dismissal for just cause before the employing board after the employee completes the probationary period of employment and thereafter gains permanent status; to provide for a system of hearing examiners to hear contested termination of employment and transfer; and to provide for review of the decisions of the employing board.

Also:

H. 475. Relating to the city of Mobile; establishing and providing for the Mobile City Youth Athletic Board; providing for the appointment and term of office of the members of the board; providing for the distribution of funds received by the board from section 28-3-281, Code of Alabama 1975; providing for the forfeiture of certain funds upon falsification of registration forms; and providing for retroactive effect to January 1, 1983.

And finds same correctly enrolled.

JOHN S. CASEY,
Chairman.

SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately

after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolution, to-wit:

H. J. R. 333. TO ESTABLISH A JOINT LEGISLATIVE COMMITTEE TO OVERSEE A SPECIAL AUDIT OF THE TEACHERS' RETIREMENT SYSTEM AND EMPLOYEES' RETIREMENT SYSTEM OF ALABAMA.

And finds same correctly enrolled.

JOHN S. CASEY,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolution, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Poole, the rules were suspended in order to take up out of order the bill, H. 765.

And the bill:

H. 765. To appropriate $10,000 from the general fund to the Department of Public Health for the purchase of rubella vaccine to be administered for the purpose of preventing birth defects; to grant immunity to public employees administering such vaccine; and to authorize the charging of fees for such immunizations.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 81; Nays 1.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Biddle, Blake, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Coburn, Cosby, Crow, Davis, Escott, Faulk, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Holley, Horn, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Mathis, Melton, Minus, Moore, Nevett, Newman, Nicholson, Payne, Penry, Poole, Preuitt, Rice, Richardson, Rogers, Scott, Smith, Starkey, Starr, Thomas, Thornton, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

—81

Nay: Rep. Rains. —1

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Dutton, the rules were suspended in order to take up out of order the bill, H. 690.

And the bill:

H. 690. (With Substitute): To require the Alabama Department of Conservation and Natural Resources to enter into an agreement with the U. S. Forest Service to expand the boundaries of the existing Black Warrior Wildlife Management Area and then divide the expanded area along State Highway 33 so as to establish two state wildlife management areas lying in the counties of Lawrence and Winston.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Agriculture and Forestry, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To require the Alabama Department of Conservation and Natural Resources to enter into an agreement with the U. S. Forest Service to expand the boundaries of the existing Black Warrior Wildlife Management Area; and to provide further for the marking of, management of, and hunting on the expanded area.

Be It Enacted by the Legislature of Alabama:

Section 1. The existing Black Warrior Wildlife Management Area boundary will be enlarged by including the additional public Forest Service land as follows: (Listed by location as given in Forest Service map titled, William B. Bankhead National Forest, Alabama, Huntsville Meridian, 1981.)

1(a) All Forest Service property in sections 33 and 34 of Range 6 West, Township 7 South.

1(b) All Forest Service property in sections 2, 3, 4, 5, 8, 9, 10, 11, 12, 14, 15, 16, 17, 18, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, and including Forest Service property east of FS 265 in section 7, and Forest Service property east of FS 249 and FS 263 in section 19 of Range 6 West and Township 8 South.

1(c) All Forest Service property in sections 31, 32, 33, 34, 35, and including Forest Service property west of State Highway 33 in section 30 of Range 7 West and Township 7 South.

1(d) All Forest Service property in sections 1, 2, 3, 4, 5, 6, 10, 11, 12, 23, 24, 25, 26, 34, 35, 36, and including Forest Service property lying in north one-half (½) of section 13 and Forest Service property lying in the north and west one-half (½) of section 14 of Range 7 West and Township 8 South.

1(e) All Forest Service property in sections 14, 22, 23, 27, 29, 30, 31, 32, and 33 of Range 8 West and Township 7 South.

1(f) All Forest Service property in sections 19, 25, 28, 29, 30, 31, 32, 33, 34, 35, and 36 of Range 9 West and Township 7 South.

1(g) All Forest Service property in sections 3, 4, 5, 6, 7, 18, 19, 29, 30, 31, and 32 of Range 9 West and Township 8 South.

1(h) All Forest Service property in sections 4, 5, 6, 7, 8, 9, 17, 18, 19, 20, 29, 30, and including Forest Service property north of Highway 99 in section 31 of Range 6 West and Township 9 South.

1(i) All Forest Service property in sections 1, 2, 3, 10, 11, 12, 13, 14, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, and 36 of Range 7 West and Township 9 South.

1(j) All Forest Service property in sections 1, 3, 4, 5, 6, 7, 10, and including Forest Service property lying in northeastern corner of section 9 and Forest Service property lying in the northwestern one-half (½) and northwest of Highway 99 in section 2 of Range 7 West and Township 10 South.

1(k) All Forest Service property in sections 23, 25, 27, 28, 29, 33, 34, 35, 36, and including Forest Service property east of State Highway 33 in section 13 and including Forest Service property south of Forest Service Road 234 and southeast of State Highway 33 in section 24 and including Forest Service property southeast of State Highway 33 in section 26 and including Forest Service property in north one-half (½) of section 32 of Range 8 West and Township 9 South.

1(l) All Forest Service property in sections 1, 2, 11, and including Forest Service property in western one-half (½) of section 12 of Range 8 West and Township 10 South.

1(m) All Forest Service property in sections 5, 6, 7, 17, 18, 23, 26, and including Forest Service property in western one-half (½) of section 8 of Range 9 West and Township 9 South.

Section 2. No additional state expenditures shall be made for the expansion of the Black Warrior Wildlife Management Area. Boundary signs for the expanded area shall be posted by the Department of Conservation and Natural Resources, and shall be financed from existing funds provided to the Department from within its budget for the management and maintenance of the Wildlife Management Area.

Section 3. The expanded boundary of the Black Warrior Wildlife Management Area shall follow an established and surveyed U. S. Forest Service property boundary except in the South portion of Section 13 of Range 7 West and Township 8 South, in which areas additional surveys by the Department of Conservation and Natural Resources are hereby authorized.

Section 4. All lands within the boundaries of the expanded Black Warrior State Wildlife Management Area shall be managed for wildlife by the Alabama Department of Conservation and Natural Resources in cooperation with the U. S. Forest Service.

Section 5. Scheduling of gun deer hunting seasons on the expanded Black Warrior Wildlife Management Area shall be made in such a manner that hunting-by-gun seasons for the management area shall fall on different dates for the area East of Highway 33 and the area West of Highway 33.

Section 6. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect

the part which remains.

Section 7. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 8. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 69; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Blake, Blakeney, Box, Brakefield, Brooks, Browder, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Coleman, Cosby, Crow, Escott, Faulk, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harvey, Holley, Holmes, Johnson (A.L.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Langford, Lauderdale, Layton, McKee, Manley, Mathis, Melton, Mitchell, Moore, Nevett, Newman, Nicholson, Poole, Rains, Rice, Richardson, Sasser, Seibels, Smith, Starr, Thomas, Trammell, Tucker, Turner, Turnham, Venable, Warren, White (F), Williams, Wilson and Zoghby.

—69

AMENDMENT OFFERED

Rep. Dutton offered the following amendment to the bill, H. 690 as amended:

On page 3, line 30, after the word "Area" insert the following language: except that

On page 3, line 34, delete the word "the" and insert in lieu thereof the following word: state

Also, on page 3, line 34, delete the word "Area" and insert in lieu thereof the following word: Areas.

On page 4, line 14, delete the word "deer".

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 64; Nays 1.

Yeas:

Mr. Speaker, Ashley, Bennett, Blake, Blakeney, Bowling, Brakefield, Brooks, Browder, Buskey, Butler, Carothers, Carter, Casey, Clark, Coburn, Cosby, Crow, Escott, Faulk, Ford, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harvey, Holley, Holmes, Horn, Johnson (A.L.), Johnson (Roy), Junkins, Kvalheim, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Mathis, Melton, Mitchell, Moore, Newman, Nicholson, Penry, Poole, Rains, Rice, Richardson, Rogers, Seibels, Smith, Starkey, Thomas, Trammell, Tucker, Venable, White (F), Williams, Wilson and Zoghby.

—64

Nay: Rep. Manley. —1

And the bill:

H. 690. To require the Alabama Department of Conservation and

Natural Resources to enter into an agreement with the U. S. Forest Service to expand the boundaries of the existing Black Warrior Wildlife Management Area; and to provide further for the marking of, management of, and hunting on the expanded area.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 64; Nays 0.

Yeas:

Mr. Speaker, Ashley, Bennett, Blakeney, Bowling, Box, Brakefield, Brooks, Browder, Buskey, Butler, Carter, Casey, Clark, Cosby, Crow, Escott, Faulk, Ford, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harvey, Holley, Holmes, Johnson (A.L.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Lauderdale, Layton, Lewis, McKee, McMillan, Melton, Mitchell, Moore, Newman, Penry, Poole, Rains, Rice, Richardson, Seibels, Smith, Starkey, Starr, Thomas, Thornton, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Warren, White (F), Williams, Wright and Zoghby.

—64

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Penry, the rules were suspended in order to take up out of order the bill, H. 317.

And the bill:

H. 317. To provide further for the certification of factory-built housing; provides for the regulation, administration and enforcement of the provisions of this Act by the Alabama Development Office; establishes certain civil remedies and actions in connection with factory-built housing; provides penalties for violations of this Act or any rule or regulation promulgated hereunder; and repeals Sections 24-4A-1 through 24-4A-7, Code of Alabama 1975, which provide for manufactured buildings.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 76; Nays 1.

Yeas:

Mr. Speaker, Albright, Ashley, Bennett, Blake, Blakeney, Bowling, Box, Brakefield, Brooks, Browder, Buskey, Butler, Carter, Casey, Clark, Coburn, Cosby, Crow, Davis, Drinkard, Faulk, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Holmes, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Minus, Mitchell, Moore, Newman, Nicholson, Parker, Penry, Poole, Rains, Rice, Richardson, Rogers, Sasser, Smith, Starkey, Starr, Thomas, Thornton, Tucker, Turner, Turnham, Venable, Waggoner, Warren, White (L), Williams, Wilson and Zoghby.

—76

Nay: Rep. Holley. —1

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Melton, the rules were suspended in order to take up out of order the bill, H. 537.

And the bill:

H. 537. To amend Sections 34-14-3, 34-14-6, 34-14-7 and 34-14-11 of the Code of Alabama 1975, which regulate hearing aid dealers and fitters, so as to provide further for license fees, permits and renewals of same and to provide for certain continuing education requirements for licensees.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 65; Nays 10.

Yeas:

Mr. Speaker, Ashley, Bennett, Biddle, Blake, Blakeney, Bowling, Box, Brakefield, Brooks, Bryant, Buskey, Casey, Clark, Coburn, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Gaston, Goodwin, Grimsley, Grouby, Holmes, Horn, Johnson (A.L.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Manley, Melton, Minus, Mitchell, Moore, Nevett, Newman, Parker, Poole, Preuitt, Rice, Richardson, Rogers, Sasser, Starkey, Starr, Thomas, Tucker, Turner, Turnham, Venable, Waggoner, Warren, White (L), Williams, Wilson, Wright and Zoghby.

—65

Nays: Reps.: Butler, Ford, Freeman, Hall, Hammett, Hettinger, Holley, Johnson (R.G.), McKee and Mathis.

—10

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Payne, the rules were suspended in order to take up out of order the bill, H. 234.

H. 234 TEMPORARILY POSTPONED

On motion of Rep. Payne, the bill, H. 234, was temporarily postponed.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Faulk, the rules were suspended in order to take up out of order the bill, H. 585.

And the bill:

H. 585. To amend Section 2-15-133 which requires licensed livestock dealers to be covered by a bond or bond equivalent in amounts equal to purchases of livestock but in no amount less than $10,000; to require the filing of verified financial statements; to require full payment of livestock not later than the close of the next business day; to exempt livestock dealers from the requirements of a bond or bond equivalent if they pay for livestock with United States currency, money orders or certified or cashier's checks at the time of purchase.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 60; Nays 0.

Yeas:

Mr. Speaker, Bennett, Blake, Blakeney, Box, Brooks, Browder, Bryant, Buskey, Campbell, Clark, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Freeman, Gaston, Grimsley, Grouby, Hall, Hettinger, Holley,

Holmes, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Kennedy, Kvalheim, Langford, Lauderdale, Layton, Manley, Mathis, Minus, Murphy, Nevett, Newman, Parker, Poole, Richardson, Rogers, Scott, Smith, Starr, Thomas, Thornton, Trammell, Tucker, Turner, Turnham, Waggoner, Warren, White (F), White (L), Williams, Wilson and Zoghby.

—60

And the bill:

H. 234. To amend further Section 11-41-1, Code of Alabama 1975, as amended, relating to the incorporation of a municipality so as to delete restrictions upon the incorporation of a municipality lying within or partly within the boundaries of a county having a population of 600,000 or more.

Which previously was temporarily postponed, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 61; Nays 3.

Yeas:

Mr. Speaker, Adams, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Butler, Campbell, Carter, Casey, Clark, Coleman, Cosby, Crow, Dutton, Faulk, Gaston, Grimsley, Grouby, Hall, Hammett, Harper, Hettinger, Holley, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Kennedy, Kvalheim, Lauderdale, Layton, Lewis, Mathis, Minus, Mitchell, Moore, Nevett, Newman, Poole, Preuitt, Rains, Rice, Richardson, Sasser, Scott, Smith, Starr, Trammell, Turner, Turnham, Venable, Waggoner, Warren, White (F), Wilson, Wright and Zoghby.

—61

Nays: Reps.: Bennett, Tucker and Williams. —3

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Wilson, the rules were suspended in order to take up out of order the bill, S. 109.

And the bill:

S. 109. To provide for the protection of state employees, agents, or servants for certain wrongful acts or omissions committed while in the performance of their official duties in the line and scope of their employment through the purchase of liability insurance or through the self-insurance of the several state departments, agencies, boards or commissions; to provide a procedure for the notification of the State Attorney General of suits against state employees for acts committed in the performance of their official duties in the line and scope of their employment; and to provide that the costs of such liability insurance or self-insurance shall be paid from funds appropriated to the several departments, agencies, boards or commissions for operation.

Was read a third time at length and passed.

Yeas 77; Nays 0.

Yeas:

Mr. Speaker, Ashley, Bennett, Biddle, Blake, Blakeney, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carter, Casey, Clark, Coleman, Cosby, Crow, Drinkard, Faulk, Flowers, Freeman,

Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Langford, Lauderdale, Layton, McKee, Manley, Mathis, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Poole, Preuitt, Rains, Rice, Richardson, Rogers, Sasser, Scott, Smith, Starkey, Starr, Thornton, Tucker, Turner, Turnham, Venable, Warren, White (F), White (L), Williams, Wilson and Zoghby.

—77

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Flowers, the rules were suspended in order to take up out of order the bill, H. 191.

And the bill:

H. 191. To amend Section 36-29-2 of the Code of Alabama 1975 relating to the state employees' insurance board so as to further provide for the state employee members of the board.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 90; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Coleman, Cosby, Crow, Davis, Escott, Flowers, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Mathis, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Parker, Payne, Penry, Poole, Preuitt, Rains, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turner, Turnham, Venable, Warren, White (F), White (L), Williams, Wilson and Zoghby.

—90

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Campbell, the rules were suspended in order to take up out of order the bill, S. 38.

And the bill:

S.38. To amend Chapter 41 of the Alabama Insurance Code to authorize and limit the investment by domestic life, disability, and burial insurers in oil and gas producing properties and facilities.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 89; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Bryant, Buskey, Butler, Campbell, Carter, Casey, Clark, Clikas, Coleman, Cosby, Crow, Davis, Drinkard,

Dutton, Escott, Flowers, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Langford, Lauderdale, Layton, McKee, McMillan, Manley, Martin, Mathis, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Poole, Preuitt, Rains, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Tucker, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

—89

MOTION TO RECESS LOST

The motion offered by Rep. Faulk that the House recess until 8:30 o'clock p.m., was lost.

Yeas 45; Nays 46.

Yeas:

Reps.: Adams, Blakeney, Bowling, Brakefield, Brooks, Bryant, Butler, Campbell, Carothers, Carter, Cosby, Davis, Escott, Faulk, Harper, Hettinger, Holmes, Horn, Johnson (A.L.), Laird, Langford, Lewis, Manley, Mathis, Minus, Murphy, Payne, Preuitt, Rice, Richardson, Rogers, Scott, Seibels, Smith, Starr, Thomas, Thornton, Trammell, Tucker, Turnham, Waggoner, White (L), Wilson, Wright and Zoghby.

—45

Nays:

Mr. Speaker, Albright, Ashley, Blake, Boles, Box, Buskey, Casey, Clark, Clikas, Coburn, Coleman, Crow, Drinkard, Dutton, Ford, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harvey, Howard, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Lauderdale, McKee, McMillan, Martin, Mitchell, Nevett, Newman, Nicholson, Parker, Rains, Sasser, Starkey, Stout, Turner, Warren, White (F) and Williams.

—46

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Ford, the rules were suspended in order to take up out of order bill, H. 496.

And the bill:

H. 496. To amend Section 5-18-11 of the Code of Alabama 1975 relating to books, accounts and records of licensees under the Alabama Small Loan Act so as to provide further for annual reports of such licensees.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 78; Nays 0.

Yeas:

Mr. Speaker, Ashley, Bennett, Biddle, Blake, Blakeney, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Butler, Campbell, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Drinkard, Escott, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holmes, Johnson (Roy), Junkins, Kennedy, Kvalheim,

Langford, Lauderdale, Layton, Lewis, McMillan, Manley, Mathis, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Parker, Poole, Preuitt, Rice, Richardson, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Trammell, Tucker, Turner, Turnham, Venable, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

—78

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Nicholson, the rules were suspended in order to take up out of order the bill, H. 626.

And the bill:

H. 626. To amend Sections 34-29-20, 34-29-21, 34-29-23, and 34-29-41, Code of Alabama 1975, relating to the Board of Veterinary Medical Examiners, so as to provide for an executive secretary and to delete references to the secretary-treasurer.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 78; Nays 0.

Yeas:

Mr. Speaker, Ashley, Bennett, Biddle, Blake, Blakeney, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carter, Casey, Clark, Coburn, Cosby, Crow, Ford, Gaston, Goodwin, Grimsley, Grouby, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Mathis, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Parker, Payne, Poole, Preuitt, Rains, Richardson, Sasser, Scott, Seibels, Smith, Starkey, Starr, Thornton, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

—78

RECESS

On motion of Rep. Holmes, the House recessed until 8:20 o'clock p.m.

Yeas 56; Nays 39.

Yeas:

Reps.: Adams, Biddle, Blakeney, Brakefield, Brooks, Browder, Bryant, Butler, Campbell, Carothers, Carter, Cosby, Drinkard, Escott, Faulk, Flowers, Freeman, Hammett, Harper, Harvey, Hettinger, Holmes, Horn, Johnson (Roy), Junkins, Laird, Langford, Layton, McMillan, Manley, Mathis, Minus, Murphy, Nicholson, Payne, Preuitt, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starr, Thomas, Thornton, Tucker, Turnham, Venable, Waggoner, White (F), White (L), Williams, Wilson, Wright and Zoghby.

—56

Nays:

Mr. Speaker, Albright, Ashley, Bennett, Blake, Boles, Bowling, Box, Buskey, Casey, Clark, Clikas, Coburn, Crow, Davis, Dutton, Ford, Gaston, Goodwin, Grimsley, Hall, Holley, Howard, Johnson (R.G.), Kvalheim,

Lauderdale, Lewis, McKee, Martin, Mitchell, Nevett, Newman, Parker, Rains, Starkey, Stout, Trammell, Turner and Warren.

—39

HOUSE RECONVENED

The hour of 8:20 o'clock p.m. having arrived, the House reconvened. The Speaker called the House to order.

MOTION TO TEMPORARILY POSTPONE ADOPTED

On motion of Rep. Johnson (Roy), Line 11 on the Special Order Calendar, which permits members to suspend the rules in order to take up out of order non-controversial bills not on the Special Order Calendar, was temporarily postponed.

Yeas 54; Nays 31.

Yeas:

Mr. Speaker, Albright, Ashley, Bennett, Blake, Boles, Bowling, Brakefield, Bryant, Buskey, Butler, Campbell, Carter, Casey, Clark, Coburn, Coleman, Crow, Davis, Drinkard, Dutton, Escott, Ford, Goodwin, Grimsley, Grouby, Harper, Harvey, Holley, Howard, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Langford, Lauderdale, Manley, Minus, Mitchell, Moore, Nevett, Newman, Parker, Poole, Sasser, Smith, Starkey, Trammell, Tucker, Venable, Warren, Williams and Wilson.

—54

Nays:

Reps.: Adams, Blakeney, Box, Brooks, Browder, Carothers, Cosby, Freeman, Gaston, Hall, Hammett, Hettinger, Kvalheim, Laird, Layton, Lewis, McKee, McMillan, Murphy, Nicholson, Payne, Rice, Richardson, Scott, Seibels, Starr, Turnham, Waggoner, White (L), Wright and Zoghby.

—31

RESOLUTIONS

The following resolutions were introduced:

By Rep. Minus:

H. J. R. 397. COMMENDING MR. JOHNNY LOUIS CLARK FOR OUTSTANDING LEADERSHIP.

WHEREAS, Mr. Johnny Louis Clark of Epes, Alabama, is a 1975 graduate of Livingston High School, where he excelled in academics, extra curricular activities and leadership, having been president of the student body, president of the Future Farmers of America, president of his senior class and very active in the school drama program; and

WHEREAS, Mr. Clark graduated from Miles University in 1979, where he continued his participation and leadership in campus affairs and in the community as well; and

WHEREAS, while at Miles, Mr. Clark was most particularly active in the Miles' Mummers, for whom he both wrote and directed, as well as acted, in plays which were presented throughout the community; and

WHEREAS, Mr. Clark was on the Dean's List his entire college career; and

WHEREAS, his activities on campus also included being named in 1977-78 to Who's Who Among American University and College Students, and in 1979, after serving an internship with the National Convention of Black Mayors, he was selected by his fellow interns as Intern of the Year; and

WHEREAS, Mr. Clark is currently working on his Master's Degree in Urban Affairs at Southern Illinois University, where he has consistently been on the Dean's List, and has completed serving his internship in the City of East St. Louis; and

WHEREAS, Mr. Clark has throughout his life rendered service to his community by his activities with the youth in the various high schools, writing, producing, and directing plays that have been produced in many of the schools and throughout the community; and

WHEREAS, Mr. Clark has also served his community through his involvement with church affairs, serving as a Sunday School teacher and writing and producing religious plays for the young people of the church; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Mr. Johnny Louis Clark of Epes, Alabama, for outstanding achievement and for distinguished service to his community.

BE IT FURTHER RESOLVED, That Mr. Clark receive a copy of this resolution that he may be aware of our sincere warm praise and regard.

On motion of Rep. Minus, the rules were suspended and the resolution, H. J. R. 397, was adopted.

Also:

By Rep. Minus:

H. J. R. 398. COMMENDING HOWARD J. TURNER, JR., FOR OUTSTANDING LEADERSHIP.

WHEREAS, Mr. Howard J. Turner, Jr., of Epes, Alabama, is a 1970 graduate of Livingston High School where he excelled in academics, in extra curricular activities and in school leadership, being a member of the Beta Club and Giftorian of his Class; and

WHEREAS, Mr. Turner attended Livingston University from 1971-1972, where he continued his participation and leadership in campus affairs and in the community as well; and

WHEREAS, he completed his education at the University of Alabama in 1975, during which time he was very active in campus activities and in charitable organizations; and

WHEREAS, Mr. Turner has served his community as a member of the Port of Epes Planning Committee from 1976-1977, and as a member of the Sumter County Democratic Executive Committee from 1978 until 1982, and served as the Treasurer for the Epes Supper Club for two years; and

WHEREAS, Mr. Turner has been very active in church affairs, donating a prayer park to enhance historic St. Albans Church in Gainesville; and

WHEREAS, Mr. Turner has, throughout his adult life, been very active in supporting the Ruby Pickens Tartt Public Library, both by donations of money and books; and

WHEREAS, Mr. Turner was instrumental in the establishment of a public park at Epes, Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Mr. Howard J. Turner, Jr., of Epes, Alabama, for outstanding achievement and for distinguished service to his community.

BE IT FURTHER RESOLVED, That Mr. Turner receive a copy of this resolution that he may be aware of our sincere warm praise and regard.

On motion of Rep. Minus, the rules were suspended and the resolution, H. J. R. 398, was adopted.

SPECIAL ORDER RESUMED

And the bill:

S. 71. To express the public policy of the state of Alabama relative to the payment of prevailing minimum wages in the particular area on all projects of the state or its agencies to require that the prevailing wages be ascertained in advance of such projects and that all bidders therein be bound by these determinations and all contractors be required to comply therewith; to define what is included in the term "wages" and to set forth the method of making the said determinations; to further define the duties of the commissioner of labor; to provide for a board of appeals of the department of labor; and to authorize local governing bodies to make similar requirements in their contracts for public works.

Was taken up.

S. 71 INDEFINITELY POSTPONED

On motion of Rep. Sasser, the bill, S. 71, was indefinitely postponed.

Yeas 56; Nays 41.

Yeas:

Reps.: Adams, Biddle, Blakeney, Brooks, Browder, Butler, Campbell, Carothers, Carter, Coleman, Cosby, Faulk, Flowers, Freeman, Gaston, Grimsley, Grouby, Hammett, Harper, Harvey, Hettinger, Johnson (A.L.), Johnson (R.G.), Kvalheim, Laird, Layton, Lewis, McKee, McMillan, Manley, Martin, Minus, Murphy, Newman, Payne, Penry, Preuitt, Rice, Richardson, Sasser, Scott, Seibels, Smith, Starr, Stout, Tucker, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

—56

Nays:

Mr. Speaker, Albright, Ashley, Bennett, Blake, Boles, Bowling, Box, Brakefield, Bryant, Buskey, Casey, Clark, Clikas, Coburn, Crow, Davis, Drinkard, Dutton, Escott, Ford, Goodwin, Hall, Holley, Holmes, Horn, Howard, Johnson (Roy), Junkins, Kennedy, Langford, Lauderdale, Melton, Moore, Nevett, Nicholson, Poole, Rains, Starkey, Trammell and Turner.

—41

REPORT FILED

Pursuant to Senate Joint Resolution 43 of the 1983 Second Special Session of the Legislature, Senator Bill G. Smith, Chairman, submitted a sum-

mary of the activities of the Joint Committee on Industrial Expansion, Economic Growth, and Jobs, and the report was ordered filed.

MOTION TO ADJOURN LOST

The motion offered by Rep. Johnson (Roy) that the House adjourn until 12:00 o'clock noon, Wednesday, July 13, 1983, was lost.

Yeas 40; Nays 57.

Yeas:

Mr. Speaker, Albright, Ashley, Bennett, Blake, Boles, Box, Brakefield, Bryant, Buskey, Clark, Coburn, Davis, Drinkard, Escott, Ford, Goodwin, Hall, Holley, Holmes, Horn, Howard, Johnson (Roy), Junkins, Kennedy, Langford, Lauderdale, Mathis, Melton, Moore, Nevett, Nicholson, Poole, Rogers, Smith, Starkey, Trammell, Tucker, Turner and Williams.

—40

Nays:

Reps.: Adams, Biddle, Blakeney, Bowling, Brooks, Browder, Butler, Campbell, Carothers, Carter, Casey, Coleman, Cosby, Crow, Faulk, Flowers, Freeman, Gaston, Grimsley, Grouby, Hammett, Harper, Harvey, Hettinger, Johnson (A.L.), Johnson (R.G.), Kvalheim, Laird, Layton, Lewis, McKee, McMillan, Manley, Martin, Minus, Mitchell, Murphy, Newman, Payne, Penry, Preuitt, Rains, Rice, Richardson, Sasser, Scott, Seibels, Starr, Turnham, Venable, Waggoner, Warren, White (F), White (L), Wilson, Wright and Zoghby.

—57

MOTION TO RECONSIDER TABLED

Having voted on the prevailing side, Rep. Sasser offered the motion to reconsider the vote by which the bill, S. 71, was indefinitely postponed, and to table his motion to reconsider the vote, and the motion to table was adopted.

Yeas 55; Nays 43.

Yeas:

Reps.: Adams, Biddle, Blakney, Brooks, Browder, Butler, Campbell, Carothers, Carter, Coleman, Cosby, Faulk, Flowers, Freeman, Gaston, Grimsley, Grouby, Hammett, Harper, Harvey, Hettinger, Johnson (A.L.), Johnson (R.G.), Kvalheim, Laird, Layton, Lewis, McKee, McMillan, Manley, Martin, Mathis, Minus, Murphy, Newman, Payne, Penry, Preuitt, Rice, Richardson, Sasser, Scott, Seibels, Starr, Tucker, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

—55

Nays:

Mr. Speaker, Albright, Ashley, Bennett, Blake, Boles, Bowling, Box, Brakefield, Bryant, Buskey, Casey, Clark, Clikas, Coburn, Crow, Davis, Drinkard, Escott, Ford, Goodwin, Hall, Holley, Holmes, Horn, Howard, Johnson (Roy), Junkins, Kennedy, Langford, Lauderdale, Melton, Mitchell, Moore, Nevett, Nicholson, Poole, Rains, Rogers, Smith, Starkey, Trammell

and Turner.

—43

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Freeman, the rules were suspended in order to take up out of order the bill, H. 578.

And the bill:

H. 578. (With Amendments): To amend further Code of Alabama 1975, § 32-5-313, relating to a penalty for a traffic infraction so as to increase the amount of the penalty and provide that the additional amount to be used to fund courses of instruction in the driving of trucks.

The question was then on the adoption of the amendment #1 reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

Amend House Bill 578 on page 2 line 3 by striking the number "66⅔" and inserting in lieu thereof the number "60".

Further amend on page 2 line 6 by striking the number "23⅓" and inserting in lieu thereof the number "33⅓".

Further amend on page 2 line 9 by striking the figure "10" and inserting in lieu thereof the figure "6⅔".

And the amendment was adopted.

Yeas 50; Nays 1.

Yeas:

Mr. Speaker, Bennett, Biddle, Blake, Blakeney, Box, Brooks, Browder, Bryant, Butler, Carter, Casey, Clark, Coleman, Cosby, Dutton, Faulk, Flowers, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Junkins, Kvalheim, Langford, Lauderdale, Layton, McKee, Mathis, Moore, Newman, Nicholson, Parker, Poole, Preuitt, Rains, Richardson, Scott, Smith, Starkey, Tucker, Venable, Wright and Zoghby.

—50

Nay: Rep. Holley. —1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

PERMISSION GRANTED

Permission was granted for the Journal to show that Rep. Stout would have voted "Nay" on the motion to indefinitely postpone the bill, S. 71, had he been in the Chamber at the time of voting.

H. 578 RESUMED

The question was then on the adoption of the amendment #2 reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

Amend House Bill 578 on page 2, line 9, after the word "training;" by inserting the following words:

provided however that these funds shall be expended only by institutions under the control of the State Board of Education;

And the amendment was adopted.

Yeas 58; Nays 0.

Yeas:

Mr. Speaker, Bennett, Biddle, Blake, Blakeney, Box, Brooks, Browder, Bryant, Butler, Carter, Casey, Clark, Coleman, Cosby, Davis, Dutton, Escott, Faulk, Flowers, Gaston, Grimsley, Grouby, Hammett, Harper, Hettinger, Holmes, Horn, Johnson (A.L.), Johnson (Roy), Kvalheim, Langford, Lauderdale, Layton, McKee, Mathis, Minus, Mitchell, Moore, Nevett, Newman, Parker, Poole, Preuitt, Rains, Rice, Richardson, Rogers, Scott, Seibels, Smith, Trammell, Tucker, Turnham, Venable, White (L), Wilson and Wright.

—58

And the bill, H. 578, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 50; Nays 2.

Yeas:

Mr. Speaker, Bennett, Blake, Bowling, Box, Brakefield, Browder, Bryant, Butler, Carter, Casey, Clark, Cosby, Crow, Davis, Dutton, Freeman, Gaston, Grimsley, Hammett, Harper, Hettinger, Horn, Johnson (A.L.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Langford, Lauderdale, Mathis, Minus, Mitchell, Moore, Murphy, Newman, Nicholson, Parker, Poole, Rice, Richardson, Rogers, Scott, Seibels, Smith, Starkey, Starr, Tucker, Venable and White (L).

—50

Nays: Reps.: Holley and Warren. —2

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Nicholson, the rules were suspended in order to take up out of order the bill, H. 300.

And the bill:

H. 300. To amend Code of Alabama 1975, Section 9-16-93(f) which places jurisdiction in the District Courts of the State by placing jurisdiction in the Circuit Courts of the State; to amend Section 9-16-94(a) which provides for mandatory assessment of civil penalties upon the issuance of cessation orders under Section 9-16-96(a) to correctly read Section 9-16-93(a); to amend Section 9-16-95(f) by providing for reasonable attorney and expert witness fees; to amend Section 9-16-99(2) which provides for waiver of certain requirements of this Article on surface mining areas affecting two

acres or less; and to amend Section 9-16-75 relating to rule making procedures by providing that provisions in this Act shall take precedence over the provisions of the Alabama Administrative Procedure Act; and providing for an emergency rule making procedure; and to amend Section 9-16-79(1) (a) relating to hearings and appeals by providing that the provisions of this Act shall take precedence over the Alabama Administrative Procedure Act as related to hearings and appeals; and to amend Section 9-16-87(d) relating to exploration permits by providing for a reclamation bond; and to amend Section 9-16-89(h) to clarify conditions for obtaining release of bonds; and to amend Section 9-16-90(b)(10)(b.1.) to clarify performance standards; and to amend Section 9-16-92(a) by adding a provision authorizing entry on private land in the enforcement and administration of this Act; and to amend Section 9-16-94(e) by making willfully and knowingly engaging in surface coal mining operations without a license or a permit a criminal act and subject to criminal penalties and further providing for reclamation bond and reclamation of any land so affected; and to amend Section 9-16-105(a) to provide for the conformity of Federal and state laws and regulations.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 52; Nays 0.

Yeas:

Reps.: Albright, Ashley, Bennett, Blake, Blakeney, Boles, Box, Brakefield, Bryant, Buskey, Butler, Carter, Casey, Clark, Clikas, Davis, Escott, Faulk, Freeman, Gaston, Goodwin, Hammett, Harper, Hettinger, Holley, Johnson (A.L.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Langford, Lauderdale, Mathis, Melton, Mitchell, Nevett, Newman, Nicholson, Poole, Rains, Rice, Richardson, Rogers, Smith, Starkey, Starr, Trammell, Tucker, Turnham, Venable, Wilson and Zoghby.

—52

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Gaston, the rules were suspended in order to take up out of order the bill, H. 529.

And the bill:

H. 529. To amend section 36-19-3, Code of Alabama 1975, relating to persons deemed assistants to the state fire marshal, so as to provide further for such assistants.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 60; Nays 1.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Biddle, Blakeney, Box, Brakefield, Bryant, Buskey, Butler, Carter, Casey, Clark, Clikas, Coleman, Cosby, Davis, Escott, Ford, Freeman, Gaston, Goodwin, Grouby, Hall, Hammett,

Harper, Hettinger, Horn, Johnson (A.L.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Langford, McKee, Mathis, Minus, Mitchell, Moore, Nevett, Newman, Poole, Preuitt, Rains, Rice, Richardson, Rogers, Smith, Starkey, Starr, Thornton, Tucker, Turnham, Venable, Waggoner, Warren, White (L), Wilson and Zoghby.

—60

Nay: Rep. Holley. —1

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Scott, the rules were suspended in order to take up out of order the bill, H. 320.

And the bill:

H. 320. (With Substitute): This bill amends Sections 22-21-20, 22-21-24 and 22-21-27 of Code of Alabama, 1975, by expanding the definition of Hospitals, to include home health agencies and provides for an exception with reference to county or district health departments. Additionally, provides for expansion of the Advisory Board.

Was taken up.

SUBSTITUTE OFFERED

Rep. Scott offered the following substitute to the bill, H. 320 and to the pending substitute reported by the Standing Committee on Health, said substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

This bill amends Sections 22-21-20 and 22-21-27 of Code of Alabama 1975, by expanding the definition of Hospitals to include home health agencies and provides for an exception with reference to county or district health departments. Additionally, provides for expansion of the Advisory Board.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 22-21-20, Code of Alabama 1975, is hereby amended to read as follows:

"§22-21-20

"(1) Hospitals. General and specialized hospitals; including ancillary services; independent clinical laboratories; rehabilitation centers; ambulatory surgical treatment facilities for patients not requiring hospitalization; end stage renal disease dialysis units; abortion or reproductive health centers; health maintenance organizations; home health agencies; and other related health care institutions when such institution is primarily engaged in offering to the public generally, facilities and services for the diagnosis and/or treatment of injury, deformity, disease, surgical or obstetrical care. Also, included within the term are long term care facilities such as, but not limited to, skilled nursing facilities and related health care institutions when such institution is primarily engaged in offering room, board, laundry and personal assistance with activities of daily living and incidentals thereto. The term 'hospitals' relate to health care institutions and shall not include the private offices of physicians or dentists, whether in individual, group,

professional corporation or professional association practice. This section shall not apply to county or district health departments: except for the operation of home health agencies.

"(2) Person. Such term includes individuals, partnerships, corporations and associations. (Acts 1975, 3rd Ex. Sess., No. 140, p. 382, § 1; Acts 1979, No. 79-798, p. 1461.)"

Section 2. Section 22-21-27, Code of Alabama 1975, is hereby amended to read as follows:

"§ 22-21-27. Advisory Board.

"(a) There shall be an advisory board of ~~11~~ 12 members to assist in the establishment of rules, regulations and standards necessary to carry out the provisions of this article and to serve as consultants to the State Health Officer. The board shall meet at least twice each year and at the call of the State Health Officer. The members of the board shall annually elect one of its members to serve as chairman.

"(b) The advisory board shall be constituted in the following manner:

"(1) Four representatives of hospitals, who shall be appointed by the Board of Trustees of the Alabama Hospital Association as follows:

"a. One administrator of a governmental hospital.

"b. One administrator of a nongovernmental nonprofit hospital.

"c. One owner or administrator of a proprietary hospital; and

"d. One member of a managing board of a nonprofit hospital;

"(2) Three representatives who shall be doctors of medicine appointed by the Board of Censors of the Alabama State Medical Association;

"(3) One representative who shall be a registered nurse appointed by the Executive Board of the Alabama State Nurses Association;

"(4) One representative from the Board of the Department of Pensions and Securities, to be appointed by the board;

"(5) One registered pharmacist actively engaged in the practices of pharmacy in the State of Alabama; to be appointed by the Alabama State Board of Pharmacy; and

"(6) One member of the advisory board shall be appointed by the Executive Committee of the Alabama Nursing Home Association, who shall be the operator of a duly qualified licensed nursing home: ; and

"(7) One member shall be appointed by the Executive Committee of the Alabama Association of Home Health Agencies and shall be actively engaged in the operation of a licensed home health agency.

"Of the original representatives appointed by the Board of Trustees of the Alabama Hospital Association, one shall serve for three years; two shall serve for four years; and one shall serve for five years. One of the representatives appointed by the Board of Censors of the Alabama State Medical Association shall serve for two years; one shall serve for three years; and one shall serve for five years. The one representative appointed by the Alabama State Nurses Association shall serve for four years. The one representative from the State Board of Pensions and Securities shall serve for four years; and the one representative from the State Board of Pharmacy shall serve for four years. The representative appointed by the executive committee of

the Alabama Nursing Home Association shall serve for five years. The representative appointed by the Executive Committee of the Alabama Association of Home Health Agencies shall serve for five years. Thereafter, each new appointee shall serve for five years or until his successor is appointed; except, that in the case of a vacancy, the appointee shall serve for the remainder of the unexpired term. Any vacancy shall be filled by the original organization selecting said member.

"(c) Members of the advisory board shall not be eligible to succeed themselves after they have served one full five-year term, but shall be eligible for reapportionment if they have not served immediately preceding their appointment.

"(d) Members of the advisory board shall serve without compensation, but shall be entitled to reimbursement for expenses incurred in the performance of the duties of their office pursuant to article 2 of chapter 7 of Title 36. (Acts 1949, No. 530, p. 835, § 9; Acts 1959, No. 134, p. 656.

"(e) Any home health care agency which now meets the standards for medicare and medicaid reimbursement will automatically be licensed when this act becomes law."

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 61; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Biddle, Blakeney, Boles, Box, Brakefield, Browder, Bryant, Butler, Carter, Casey, Cosby, Davis, Escott, Faulk, Gaston, Goodwin, Grouby, Hammett, Harper, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Langford, Lauderdale, Layton, McKee, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Parker, Preuitt, Rice, Richardson, Rogers, Scott, Seibels, Smith, Starkey, Starr, Thornton, Tucker, Venable, Waggoner, Warren, White (L), Wilson, Wright and Zoghby.

—61

And the bill:

H. 320. This bill amends Sections 22-21-20 and 22-21-27 of Code of Alabama 1975, by expanding the definition of Hospitals to include home health agencies and provides for an exception with reference to county or district health departments. Additionally, provides for expansion of the Advisory Board.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 61; Nays 0.

Yeas:

Mr. Speaker, Adams, Bennett, Biddle, Blake, Blakeney, Boles, Brakefield,

Browder, Bryant, Butler, Carter, Casey, Cosby, Davis, Escott, Faulk, Flowers, Gaston, Goodwin, Grouby, Hammett, Harper, Holley, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Langford, Lauderdale, Layton, McKee, Mathis, Melton, Minus, Mitchell, Moore, Nevett, Newman, Parker, Preuitt, Rice, Richardson, Rogers, Seibels, Smith, Starkey, Starr, Tucker, Turner, Venable, Waggoner, Warren, White (L), Wilson, Wright and Zoghby.

—61

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Hettinger, the rules were suspended in order to take up out of order the bill, H. 27.

And the bill:

H. 27. (With Amendment): To exempt all persons employed in public schools from liability for certain communications concerning the suspected use, possession, sale or furnishing of any controlled substance by any student, to the student's parents, law enforcement officers or health care providers.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Judiciary, said committee amendment being as follows:

Amend House Bill 27, page 1, Section 1, line 34, by adding thereto the following to said section:

Notwithstanding the foregoing, this immunity shall not apply if said person communicated such information maliciously and with knowledge that it was false.

And the amendment was adopted.

Yeas 67; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Blakeney, Bowling, Box, Browder, Bryant, Buskey, Carter, Casey, Clark, Clikas, Cosby, Crow, Davis, Escott, Faulk, Freeman, Gaston, Goodwin, Grouby, Hammett, Harper, Hettinger, Horn, Howard, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Langford, Lauderdale, Layton, McKee, McMillan, Mathis, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Parker, Poole, Rains, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Thornton, Tucker, Turner, Venable, Waggoner, Warren, Williams, Wilson, Wright and Zoghby.

—67

CO-SPONSOR ADDED

Rep. Brooks was added as co-sponsor to the bill, H. 27.

And the bill, H. 27, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 73; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Carothers, Carter, Casey, Clark, Clikas, Cosby, Crow, Davis, Escott, Faulk, Freeman, Gaston, Goodwin, Grouby, Hall, Hammett, Harper, Hettinger, Holley, Howard, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Langford, Lauderdale, Layton, McKee, McMillan, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Parker, Penry, Poole, Rains, Richardson, Scott, Seibels, Smith, Starkey, Starr, Thornton, Tucker, Turner, Venable, Waggoner, Warren, Williams, Wilson, Wright and Zoghby.

—73

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Seibels, the rules were suspended in order to take up out of order the bill, H. 574.

S. 369 SUBSTITUTED FOR H. 574

On motion of Rep. Seibels, the bill, S. 369, was substituted for the bill, H. 574.

And the bill:

S. 369. To establish the Senior Citizens Hall of Fame for the purposes of honoring persons making certain contributions for the betterment of the lives of older American citizens; to provide for the membership and election; to create a committee appointed by the Governor, and providing duties, powers and life of such committee; to provide for a chairman and clerical assistance and the conduct of its business; and to provide for the reimbursement of the actual and necessary expenses of the members of the committee.

Was read a third time at length and passed.

Yeas 73; Nays 0.

Yeas:

Mr. Speaker, Adams, Bennett, Blakeney, Boles, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Carothers, Carter, Casey, Clark, Cosby, Crow, Davis, Escott, Faulk, Flowers, Freeman, Gaston, Grouby, Hall, Hammett, Harper, Hettinger, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Langford, Lauderdale, Layton, McKee, McMillan, Mathis, Melton, Minus, Nevett, Newman, Nicholson, Parker, Penry, Poole, Rains, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Thornton, Tucker, Turner, Turnham, Venable, Waggoner, Warren, White (L), Williams, Wilson, Wright and Zoghby.

—73

H. 574 INDEFINITELY POSTPONED

On motion of Rep. Seibels, the bill:

H. 574. To establish the Senior Citizens Hall of Fame for the purposes of honoring persons making certain contributions for the betterment of the lives of older American citizens; to provide for the membership and election; to create a committee appointed by the Governor, and providing duties, powers and life of such committee; to provide for a chairman and clerical

assistance and the conduct of its business; and to provide for the reimbursement of the actual and necessary expenses of the members of the committee.

Was indefinitely postponed.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Sasser, the rules were suspended in order to take up out of order the bill, H. 767.

And the bill:

H. 767. To amend Section 34-24-70, Code of Alabama, 1975, as amended by Act No. 81-1139, so as to permit the State Board of Medical Examiners to accept equivalent examinations for certain categories of applicants for certificates of qualification.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 78; Nays 0.

Yeas:

Mr. Speaker, Adams, Bennett, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Campbell, Carothers, Carter, Casey, Clikas, Coleman, Cosby, Crow, Davis, Escott, Faulk, Flowers, Freeman, Gaston, Grouby, Hall, Hammett, Harper, Hettinger, Holley, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Langford, Lauderdale, Layton, McKee, Manley, Mathis, Melton, Minus, Mitchell, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Penry, Poole, Rains, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Thornton, Tucker, Turner, Venable, Waggoner, Warren, White (L), Williams, Wilson, Wright and Zoghby.

—78

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Grimsley, the rules were suspended in order to take up out of order the bill, H. 648.

And the bill:

H. 648. To amend Section 1 of Act 81-719 relating to legal expense insurance and to Legal Service Insurance Corporations.

Was taken up.

SUBSTITUTE OFFERED

Rep. Grimsley offered the following substitute to the bill, H. 648:

A BILL
TO BE ENTITLED
AN ACT

To amend Sections 27-43-3, 27-43-6, and 27-43-15, Code of Alabama 1975, relating to legal expense insurance, so as to permit certain persons conducting life, accident and sickness insurance business to transact legal insurance business.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 27-43-3, 27-43-6 and 27-43-15, Code of Alabama 1975, are hereby amended to read as follows:

"Section 27-43-3. As used in this chapter, the following terms shall have the following meanings, respectively, unless the context requires otherwise:

"(1) Department. The department of insurance;

"(2) Commissioner. The commissioner of insurance of this state;

"(3) Insurer. Any person authorized to do a casualty insurance business or life, accident and sickness insurance business as an insurer in this state and organizations authorized to transact legal expense insurance under section 27-43-8;

"(4) Legal Expense Insurance. Such term means, irrespective of the definition of insurance in other chapters under this title, the assumption of a contractual obligation to pay for specific legal services or to reimburse for specific legal expenses, in consideration of a specified payment in advance for an interval of time, regardless of whether the payment is made by the beneficiaries individually or by a third person for them, but does not include the provisions of or reimbursement for legal services incidental to other insurance coverages.

"Section 27-43-6. (a) Any domestic, foreign or alien insurer authorized to transact casualty insurance or life, accident and sickness insurance in this state may transact legal expense insurance in this state.

"(b) Legal service insurance corporations possessing a valid certificate of authority may transact legal expense insurance in this state.

"Section 27-43-15. Every legal service insurance corporation shall, on forms prescribed by the commissioner, register, on or before October 1 of each year, the name and business address of each contracting sales agent utilized by it in Alabama and shall, within 30 days after termination of the contract, notify the commissioner of such termination. At the time of said annual registration, a $10.00 filing fee for each contracting sales agent shall be paid by the legal service insurance corporation to the commissioner. Any contracting sales agent utilized subsequent to the October 1 filing date shall be registered with the department within 10 days after such utilization. Such contracting sales agents shall be subject to the same regulations and controls as provided for casualty insurance representatives in chapter 7 of this title or the same regulations and controls as provided for life and/or accident and sickness insurance companies."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 48; Nays 0.

Yeas:

Mr. Speaker, Bennett, Blake, Blakeney, Box, Brakefield, Brooks, Browder, Carothers, Carter, Crow, Faulk, Freeman, Gaston, Grimsley, Grouby, Hall, Hammett, Hettinger, Johnson (A.L.), Johnson (R.G.), Junkins, Kennedy, Kvalheim, Langford, Lauderdale, McKee, Mathis, Minus, Nevett, Newman, Nicholson, Parker, Penry, Poole, Rains, Rice, Sasser, Smith, Starkey, Starr,

Tucker, Turner, Venable, White (L), Williams, Wilson and Zoghby.

—48

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO ADJOURN LOST

The motion offered by Rep. Buskey that the House adjourn until 12:00 o'clock noon, Wednesday, July 13, 1983, was lost.

Yeas 33; Nays 44.

Yeas:

Reps.: Adams, Blake, Bowling, Brakefield, Bryant, Buskey, Campbell, Carothers, Clark, Davis, Escott, Faulk, Grimsley, Hammett, Johnson (R.G.), Junkins, Kennedy, Laird, Langford, Lauderdale, Manley, Mathis, Melton, Nevett, Newman, Parker, Rains, Starkey, Thomas, Thornton, Tucker, Warren and Williams.

—33

Nays:

Mr. Speaker, Bennett, Biddle, Box, Brooks, Browder, Carter, Cosby, Crow, Drinkard, Freeman, Gaston, Grosby, Hettinger, Holley, Howard, Johnson (A.L.), Johnson (Roy), Kvalheim, Layton, Lewis, McKee, McMillan, Minus, Mitchell, Murphy, Nicholson, Payne, Penry, Poole, Rice, Richardson, Rogers, Sasser, Scott, Smith, Starr, Turnham, Venable, Waggoner, White (L), Wilson, Wright and Zoghby.

—44

H. 648 RESUMED

And the bill:

H. 648. To amend Sections 27-43-3, 27-43-6, and 27-43-15, Code of Alabama 1975, relating to legal expense insurance so as to permit certain persons conducting life, accident and sickness insurance business to transact legal insurance business.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 59; Nays 1.

Yeas:

Mr. Speaker, Bennett, Blake, Blakeney, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Campbell, Carothers, Carter, Casey, Clark, Cosby, Crow, Escott, Freeman, Gaston, Grimsley, Grouby, Hammett, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Langford, Lauderdale, Lewis, McKee, Manley, Mathis, Melton, Minus, Mitchell, Nevett, Newman, Nicholson, Parker, Poole, Rains, Rice, Richardson, Sasser, Smith, Starkey, Starr, Tucker, Turnham, Venable, Waggoner, Warren, White (L), Williams, Wilson and Zoghby.

—59

Nay: Rep. Holley. —1

PERMISSION GRANTED

Permission was granted for the Journal to show that Rep. Adams abstained from voting on the bill, H. 648, due to conflict of interest.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Waggoner, the rules were suspended in order to take up out of order the bill, H. 462.

And the bill:

H. 462. (With Substitute): Relating to exemptions from the payment of state and local ad valorem taxes, so as to exempt the Presbyterian Apartments of Birmingham, Incorporated, and the Presbyterian Homes of Decatur, Incorporated, from the payment of all such state and local taxes, effective October 1, 1983.

Was taken up.

SUBSTITUTE OFFERED

Rep. Waggoner offered the following substitute to the bill, H. 462, and to the pending substitute reported by the Standing Committee on Ways and Means, said substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

Relating to exemptions from the payment of state, county and municipal ad valorem taxes, so as to exempt the Presbyterian Apartments of Birmingham, Inc., the Presbyterian Homes of Decatur, Inc., and Shoals Presbyterian Apartments, Inc., the East Alabama Services for the Elderly, Inc., a nonprofit corporation in Lee County, Alabama, or any predecessor organization or entity, the Presbyterian Apartments in Northport, Alabama, from the payment of all such state, county and municipal taxes.

Be It Enacted by the Legislature of Alabama:

Section 1. The Presbyterian Apartments of Birmingham, Inc., the Presbyterian Homes of Decatur, Inc., and Shoals Presbyterian Apartments, Inc., the East Alabama Services for the Elderly, Inc., a nonprofit corporation in Lee County, Alabama, or any predecessor organization or entity, the Presbyterian Apartments in Northport, Alabama are hereby exempt from the payment of all state, county and municipal ad valorem taxation.

Section 2. The provisions of this Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 69; Nays 2.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Biddle, Blakeney, Bowling, Brooks, Browder, Bryant, Butler, Campbell, Carothers, Carter, Casey, Clikas,

Coburn, Cosby, Crow, Davis, Escott, Faulk, Ford, Freeman, Gaston, Goodwin, Grimsley, Hall, Hammett, Harper, Horn, Howard, Johnson (Roy), Junkins, Kvalheim, Langford, Lauderdale, Layton, Lewis, McMillan, Manley, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Rains, Richardson, Scott, Smith, Starkey, Starr, Thornton, Trammell, Tucker, Venable, Waggoner, White (L), Williams, Wilson and Wright.

—69

Nays: Reps.: Johnson (A.L.) and Rice. —2

And the bill:

H. 462. Relating to exemptions from the payment of state, county and municipal ad valorem taxes, so as to exempt the Presbyterian Apartments of Birmingham, Inc., the Presbyterian Homes of Decatur, Inc., and Shoals Presbyterian Apartments, Inc., the East Alabama Services for the Elderly, Inc., a nonprofit corporation in Lee County, Alabama, or any predecessor organization or entity, the Presbyterian Apartments in Northport, Alabama, from the payment of all such state, county and municipal taxes.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 74; Nays 5.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Biddle, Blakeney, Bowling Brooks, Browder, Bryant, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Cosby, Crow, Davis, Escott, Faulk, Ford, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Hettinger, Holley, Horn, Howard, Johnson (R.G.), Johnson (Roy), Junkins, Kvalheim, Langford, Layton, Lewis, McMillan, Manley, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Rains, Rice, Richardson, Rogers, Scott, Starkey, Starr, Thornton, Trammell, Tucker, Venable, Waggoner, White (L), Williams, Wilson and Wright.

—74

Nays: Reps.: Brakefield, Freeman, Johnson (A.L.), Kennedy and Smith.

—5

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Wilson, the rules were suspended in order to take up out of order the bill, H. 466.

And the bill:

H. 466. (With Substitute): The purpose of this bill is to amend Sections 12-16-8 and 12-19-210, Code of Alabama 1975, which sections relate to juries and jurors; to prohibit wage loss by full-time employees required to serve on juries of courts created pursuant to the Constitution and laws of the United States and the State of Alabama; to provide a cause of action against employers for any wrongful deductions in wages as a result of the employee's absence from work for jury service; and to amend Section 12-19-210, Code of Alabama 1975, so as to abolish the $.05 per mile mileage allowance for persons traveling to and from court for each day's jury service.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Judiciary, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

The purpose of this bill is to amend Sections 12-16-8 and 12-19-210, Code of Alabama 1975, which sections relate to juries and jurors; and to amend Section 12-19-210, Code of Alabama 1975, so as to abolish the $.05 per mile mileage allowance for persons traveling to and from court for each day's jury service.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 12-16-8, Code of Alabama 1975, is hereby amended to read as follows:

"Section 12-16-8. Excusing of employees for jury service; compensation to which employees entitled during jury service; issuance to jurors of statement showing fee or compensation for jury service.

(a) Upon receiving a summons to report for jury duty, any employee shall on the next day he is engaged in his employment exhibit the summons to his immediate superior, and the employee shall thereupon be excused from his employment for the day or days required of him in serving as a juror in any court created by the Constitutions of the United States or of the State of Alabama or the laws of the United States or of the State of Alabama.

(b) Notwithstanding the excused absence provided in subsection (a) of this section, any full-time employee shall be entitled to his usual compensation received by such employment less the fee or compensation he received for serving as such juror."

~~(c) It shall be the duty of all persons paying jurors their fee or compensation for service, to issue to each juror a statement showing the daily fee or compensation and the total fee or compensation received by the juror.~~"

Section 2. Section 12-19-210, Code of Alabama 1975, is hereby amended to read as follows:

"Section 12-19-210. Grand and petit jurors generally.

(a) Regular jurors, grand and petit, shall be entitled to $10.00 expense allowance for each day's services, ~~$.05 for each mile traveled in going to and returning from court and ferriage and toll~~, to be proved by the oath of the juror before the clerk of the court. The clerk shall give each juror a certificate, stating therein the number of days he has served, ~~the number of miles he has traveled, the amount of ferriage and toll he has paid~~ and the amount of expense allowance to which he is entitled. The certificate shall be payable out of the state treasury.

~~(b) The provisions of this section shall be retroactive to May 23, 1977.~~"

Section 3. The provisions of this Act are severable. If any part of the Act is declared unconstitutional such declaration shall not affect the part which remains.

Section 4. This Act shall become effective 30 days after its passage and approval by the Governor, or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 68; Nays 4.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Biddle, Blake, Blakeney, Box, Brooks, Browder, Bryant, Butler, Campbell, Carter, Casey, Clikas, Cosby, Crow, Davis, Escott, Faulk, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Hettinger, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Langford, Lauderdale, Layton, Lewis, McKee, Manley, Mathis, Minus, Moore, Murphy, Newman, Nicholson, Owens, Parker, Poole, Rains, Rice, Richardson, Scott, Smith, Starkey, Starr, Thomas, Thornton, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, White (L), Williams, Wilson and Wright.

—68

Nays: Reps.: Drinkard, Holley, McMillan and Penry. —4

MOTION TO ADJOURN LOST

The motion offered by Rep. Turner that the House adjourn until 12:00 o'clock noon, Wednesday, July 13, 1983, was lost.

Yeas 41; Nays 50.

Yeas:

Reps.: Albright, Ashley, Biddle, Blake, Brakefield, Bryant, Buskey, Campbell, Carothers, Clark, Coburn, Davis, Dutton, Escott, Faulk, Flowers, Ford, Goodwin, Hall, Johnson (R.G.), Kennedy, Laird, Langford, Lauderdale, Manley, Mathis, Moore, Nevett, Parker, Rains, Rice, Scott, Starkey, Thomas, Thornton, Trammell, Tucker, Turner, Warren, White (F) and Williams.

—41

Nays:

Mr. Speaker, Adams, Bennett, Blakeney, Bowling, Box, Brooks, Browder, Carter, Casey, Clikas, Cosby, Crow, Freeman, Gaston, Grimsley, Grouby, Hammett, Harper, Hettinger, Holley, Howard, Johnson (A.L.), Johnson (Roy), Junkins, Kvalheim, Layton, Lewis, McKee, McMillan, Melton, Minus, Mitchell, Murphy, Newman, Nicholson, Owens, Penry, Poole, Richardson, Rogers, Seibels, Smith, Starr, Turnham, Venable, White (L), Wilson, Wright and Zoghby.

—50

H. 466 RESUMED

And the bill, H. 466 as amended, was read a third time at length and lost.

Yeas 23; Nays 56.

Yeas:

Mr. Speaker, Adams, Bennett, Box, Davis, Escott, Flowers, Hettinger, Johnson (A.L.), Johnson (Roy), Junkins, Lewis, McKee, Manley, Nevett, Newman, Poole, Rice, Starr, Tucker, Turner, Turnham and Wright.

—23

Nays:

Reps.: Albright, Ashley, Biddle, Blakeney, Buskey, Carothers, Carter, Clark, Clikas, Cosby, Crow, Drinkard, Dutton, Faulk, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Holley, Howard, Johnson (R.G.), Kennedy, Kvalheim, Lauderdale, Layton, McMillan, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nicholson, Owens, Parker, Payne, Penry, Rains, Richardson, Scott, Seibels, Smith, Starkey, Thomas, Trammell, Venable, Waggoner, Warren, White (L.), Williams, Wilson and Zoghby.

—56

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Mitchell, the rules were suspended in order to take up out of order the bill, H. 103.

And the bill:

H. 103. To further provide for payroll deductions for state employees.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 71; Nays 0.

Yeas:

Mr. Speaker, Ashley, Bennett, Biddle, Blakeney, Box, Brooks, Browder, Bryant, Carothers, Carter, Casey, Clark, Clikas, Cosby, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Freeman, Gaston, Goodwin, Grouby, Hammett, Harper, Hettinger, Holley, Howard, Johnson (A.L.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Langford, Lauderdale, Layton, McKee, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Newman, Nicholson, Owens, Parker, Penry, Poole, Rains, Rice, Richardson, Sasser, Scott, Seibels, Smith, Starkey, Starr, Thomas, Trammell, Tucker, Turner, Turnham, Venable, Warren, White (L), Williams, Wright and Zoghby.

—71

MOTION TO SUSPEND RULES

Rep. Harper offered the motion to suspend the rules in order to take up out of order the bill, S. 193.

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the within House Bills and House Joint Resolutions hereinafter mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 4:20 P.M. on July 12, 1983.

H. 484

H. J. R. 210

H. J. R. 257

H. J. R. 261

H. J. R. 262
H. J. R. 263
H. J. R. 264
H. J. R. 266
H. J. R. 267
H. J. R. 268
H. J. R. 269
H. J. R. 289
H. J. R. 291
H. J. R. 296
H. J. R. 297
H. J. R. 298
H. J. R. 299
H. J. R. 300
H. J. R. 301
H. J. R. 302

Delivered to the Governor at 4:50 P.M. on July 12, 1983.

H. 45
H. 350
H. 521
H. 635
H. 636
H. 669
H. 676
H. 721
H. 760

Delivered to the Secretary of State at 4:50 P.M. on July 12, 1983.

H. 637 (Constitutional Amendment)

Delivered to the Governor at 6:25 P.M. on July 12, 1983.

H. 44
H. 296
H. 475
H. J. R. 333

JOHNSON W. PEMBERTON,
Clerk.

ADJOURNMENT

On motion of Rep. Howard and pursuant to the resolution, H. R. 376,

heretofore adopted, the House adjourned until 12:00 o'clock noon, Wednesday, July 13, 1983.

TWENTY-SIXTH DAY

House of Representatives
Montgomery, Alabama
Wednesday, July 13, 1983

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Rev. Glenn Wittenberg, Pastor, Calvary Baptist Temple, Montgomery, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Parker, Payne, Penry, Poole, Preuitt, Rains, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

—103

A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the twenty-fifth legislative day and finds the same to be correct.

JOHN CASEY,
Chairman.

On motion of Rep. Casey, the rules were suspended and the reading at length of the Journal of the House for the twenty-fifth legislative day was dispensed with and the Standing Committee on Rules was concurred in and adopted, and the Journal for the twenty-fifth legislative day was approved.

LEAVES OF ABSENCE

At the request of Rep. Manley, leave of absence was granted for Rep. Owens.

At the request of Rep. Holmes, leave of absence was granted for Rep. Reed due to absence from the State.

RESOLUTIONS

The following resolutions were introduced:

By Rep. Johnson (Roy):

H. R. 399. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That when we adjourn today, Wednesday, July 13, 1983, we adjourn to meet again on Thursday, July 14, 1983, at 10:00 a.m.

On motion of Rep. Johnson (Roy), the rules were suspended and the resolution, H. R. 399, was adopted.

Also:

By Rules Committee:

H. R. 400. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That the following business in the order named be made the special and paramount order of business July 13, 1983, taking precedence over any other business of the House.

BASEBALL, TO LAST NO LONGER THAN 3:00 p.m.

On motion of Rep. Casey, the resolution, H. R. 400, was adopted.

SPECIAL ORDER

The House then proceeded with the consideration of the Special Order Calendar.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Harper, the rules were suspended in order to take up out of order the bill, H. 63.

And the bill:

H. 63. To amend Section 9-12-54.5 of the Code of Alabama 1975, relating to shrimping by persons other than licensed bait shrimp dealers, so as to provide further for the catching of shrimp by such persons.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 54; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Blake, Blakeney, Box, Brakefield, Brooks, Browder, Bryant, Butler, Campbell, Casey, Clark, Clikas, Coburn, Drinkard, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Hall, Harper, Harvey, Hettinger, Horn, Junkins, Kvalheim, Laird, Lauderdale, Layton, McKee, McMillan, Manley, Martin, Moore, Newman, Nicholson, Parker, Payne, Penry, Poole, Preuitt, Richardson, Scott, Starkey, Starr, Tucker, Wilson and Wright.

—54

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Minus, the rules were suspended in order to take up out of order the bill, H. 110.

S. 65 SUBSTITUTED For H. 110

On motion of Rep. Minus, the bill, S. 65, was substituted for the bill, H. 110.

And the bill:

S. 65. To amend Sections 34-27-2, 34-27-3, 34-27-4, 34-27-7, 34-27-11 and 34-27-30 through 34-27-38 of the Code of Alabama 1975 which regulate real estate brokers, salesmen and real estate transactions, so as to provide further therefor.

Was read a third time at length and passed.

Yeas 59; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Biddle, Blake, Box, Brakefield, Brooks, Browder, Bryant, Butler, Casey, Clikas, Coburn, Coleman, Cosby, Crow, Dutton, Ford, Freeman, Gaston, Goodwin, Grouby, Hammett, Harper, Hettinger, Horn, Howard, Johnson (A.L.), Junkins, Kennedy, Kvalheim, Langford, Lauderdale, Layton, McKee, McMillan, Manley, Mathis, Minus, Moore, Newman, Nicholson, Parker, Poole, Preuitt, Rains, Rice, Richardson, Rogers, Scott, Starkey, Starr, Tucker, Venable, Warren, White (F) and Wilson.

—59

H. 110 INDEFINITELY POSTPONED

On motion of Rep. Minus, the bill:

H. 110. To amend Sections 34-27-2, 34-27-3, 34-27-4, 34-27-7, 34-27-11 and 34-27-30 through 34-27-38 of the Code of Alabama 1975 which regulate real estate brokers, salesmen and real estate transactions, so as to provide further therefor.

Was indefinitely postponed.

NOTICE IN WRITING

Rep. Venable filed the following Notice in Writing:

Having voted on the prevailing side by which House Bill 466 failed, I move to reconsider said vote.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Martin, the rules were suspended in order to take up out of order the bill, S. 68.

And the bill:

S. 68. (With Amendment): To amend Section 41-16-51, Code of Alabama 1975, which exempts certain contracts from the requirements of the competitive bid law, so as to exempt contracts up for renewal entered into by municipalities and/or counties for sanitation services.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Government, said committee amendment being as follows:

Amend Senate Bill 68, Page 1, Synopsis, line 12 after the word "ser-

vices" by changing the period to a semicolon and adding the following language: and to clarify the exemption relating to the expenditure of funds by utility systems for supplies or materials.

Further amend Senate Bill 68, Page 1, Title, line 22 after the word "services" by changing the period to a semicolon and adding the following language: and to clarify the exemption relating to the expenditure of funds by utility systems for supplies or materials.

Further amend Senate Bill 68, Page 3, Section 1, item (7) by deleting lines 33 through 35 in their entirety and inserting in lieu thereof the following language: "(7) The purchase of supplies or materials needed, used and consumed in the normal, routine and customary operation of any waterworks system, sanitary.

And the amendment was adopted.

Yeas 50; Nays 1.

Yeas:

Mr. Speaker, Adams, Ashley, Biddle, Blake, Blakeney, Box, Brakefield, Brooks, Casey, Coburn, Coleman, Cosby, Crow, Davis, Freeman, Gaston, Goodwin, Grouby, Hettinger, Johnson (R.G.), Johnson (Roy), Junkins, Laird, Lauderdale, Layton, McKee, McMillan, Manley, Martin, Mathis, Minus, Moore, Newman, Nicholson, Penry, Poole, Rains, Richardson, Sasser, Scott, Seibels, Starkey, Starr, Stout, Thomas, Tucker, Venable, Williams and Wilson.

—50

Nay: Rep. Hall. —1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, S. 68 as thus amended, was read a third time at length and passed.

Yeas 62; Nays 1.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Biddle, Blake, Blakeney, Box, Brakefield, Brooks, Campbell, Casey, Coburn, Coleman, Cosby, Crow, Davis, Freeman, Gaston, Goodwin, Grimsley, Grouby, Harper, Hettinger, Holley, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Mathis, Minus, Moore, Murphy, Newman, Nicholson, Penry, Poole, Rains, Richardson, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Trammell, Tucker, Venable, Williams, Wilson and Zoghby.

—62

Nay: Rep. Hall. —1

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Mathis, the rules were suspended in order to take up out of order the bill, H. 279.

And the bill:

H. 279. To amend Section 9-13-11, Code of Alabama 1975, which relates to the willful and malicious burning of woodlands, so as to provide further for the definition of paraphernalia used in arson.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 66; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Biddle, Blake, Blakeney, Box, Brakefield, Brooks, Browder, Bryant, Casey, Cosby, Crow, Davis, Dutton, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Hettinger, Horn, Johnson (A.L.), Johnson (Roy), Junkins, Kvalheim, Laird, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Mathis, Minus, Moore, Murphy, Newman, Nicholson, Parker, Payne, Penry, Poole, Rains, Rice, Richardson, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Tucker, Turner, Venable, White (L), Williams, Wilson and Zoghby.

—66

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Manley, the rules were suspended in order to take up out of order the bill, H. 151.

S. 119 SUBSTITUTED FOR H. 151

On motion of Rep. Manley, the bill, S. 119, was substituted for the bill, H. 151.

And the bill:

S. 119. To be known as "The Revised Alabama Professional Corporation Act" revising the laws of Alabama in Title 10 of the Code of Alabama 1975, as amended, providing for: application of business corporation act and short title, application of business corporation act and nonprofit corporation act, definitions, purposes, applicability, general powers, rendering professional services, corporate name, issuance and transfer of shares and share certificates, death or disqualification of a shareholder, liability, professional relationships including privileged communications, voting trusts, directors and officers, amendments to articles of incorporation, merger and consolidation, involuntary dissolution at request of licensing authority, admission of foreign professional corporations, revocation of certificate of authority, annual report of domestic and foreign professional corporations, interrogatories by licensing authority, penalties and remedies, regulation of professional corporations, application to existing corporations; repealing Article 11 of Chapter 4, Title 10, Code of Alabama (1975); amending Section 10-10-2, Code of Alabama (1975); and providing that Title 10, Article 10, Code of Alabama shall only apply to unincorporated associations organized before the effective date of this Act.

Was read a third time at length and passed.

Yeas 74; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Biddle, Blake, Blakeney, Box,

Brakefield, Brooks, Browder, Bryant, Campbell, Casey, Coleman, Cosby, Crow, Davis, Escott, Faulk, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Harvey, Hettinger, Holley, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Mathis, Minus, Mitchell, Moore, Murphy, Newman, Nicholson, Parker, Penry, Poole, Preuitt, Rains, Rice, Richardson, Rogers, Scott, Smith, Starkey, Starr, Stout, Thornton, Tucker, Turner, Turnham, Warren, White (L), Williams, Wilson, Wright and Zoghby.

—74

H. 151 INDEFINITELY POSTPONED

On motion of Rep. Manley, the bill:

H. 151. To be known as "The Revised Alabama Professional Corporation Act" revising the laws of Alabama in Title 10 of the Code of Alabama 1975, as amended, providing for: application of business corporation act and short title, application of business corporation act and nonprofit corporation act, definitions, purposes, applicability, general powers, rendering professional services, corporate name, issuance and transfer of shares and share certificates, death or disqualification of a shareholder, liability, professional relationships including privileged communications, voting trusts, directors and officers, amendments to articles of incorporation, merger and consolidation, involuntary dissolution at request of licensing authority, admission of foreign professional corporations, revocation of certificate of authority, annual report of domestic and foreign professional corporations, interrogatories by licensing authority, penalties and remedies, regulation of professional corporations, application to existing corporations; repealing Article 11 of Chapter 4, Title 10, Code of Alabama (1975); amending Section 10-10-2, Code of Alabama (1975); and providing that Title 10, Article 10, Code of Alabama shall only apply to unincorporated associations organized before the effective date of this Act.

Was indefinitely postponed.

H. 840 RE-REFERRED

No objection being offered, the Speaker re-referred the bill, H. 840, from the Standing Committee on Ways and Means to the Standing Committee on Insurance.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Martin, the rules were suspended in order to take up out of order the bill, H. 231.

And the bill:

H. 231. To provide for the issuance of special permits for the movement of certain type oversized loads over or on the highways of Alabama.

Was taken up.

SUBSTITUTE OFFERED

Rep. Martin offered the following substitute to the bill, H. 231:

A BILL
TO BE ENTITLED
AN ACT

To provide for the issuance of special permits for the movement of certain type oversized loads over or on the highways of Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. The director of the State Highway Department or the official of the Highway Department designated by the director may, at his discretion, upon application and for good cause being shown therefore, issue special permits to the applicant, for movement on or over the public highways, for motor vehicles when used in the transportation of site-built residential buildings or otherwise, which had at one time been affixed to a permanent foundation; provided, however, that this act shall not extend to those motor vehicles used in the transportation of what is commonly referred to as mobile homes, house trailers, prefabricated housing or other factory-built buildings.

The applicants for the permits issued under this act shall state if the route of the movement will cross one or more railroads at grade.

If such a crossing is to be made, the director of the State Highway Department or the official of the Highway Department designated will notify the railroad or railroads involved, stating the time and route of the anticipated move.

Section 2. The fee for the issuance of such permits shall be the same as set forth in Section 32-9-29(c), Code of Alabama 1975.

Section 3. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 67; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Biddle, Blake, Blakeney, Boles, Box, Brakefield, Brooks, Browder, Bryant, Casey, Clikas, Coleman, Cosby, Crow, Davis, Faulk, Flowers, Gaston, Goodwin, Grimsley, Grouby, Hammett, Harvey, Howard, Johnson (A.L.), Johnson (R.G), Johnson (Roy), Junkins, Kennedy, Laird, Langford, Lauderdale, Layton, Lewis, McKee, Manley, Martin, Mitchell, Moore, Murphy, Newman, Nicholson, Parker, Poole, Preuitt, Rains, Rice, Richardson, Scott, Seibels, Smith, Starkey, Starr, Thomas, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Warren, Williams, Wilson and Wright.

—67

And the bill, H. 231, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 71; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Blake, Blakeney, Boles, Box, Brooks, Browder, Bryant, Campbell, Carter, Casey, Clark, Clikas, Cosby, Crow, Davis, Dutton, Faulk, Flowers, Gaston, Goodwin, Grimsley, Grouby, Hammett, Harvey, Holley, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Laird, Langford, Lauderdale, Layton, McKee, Manley, Martin, Minus, Mitchell, Moore, Murphy, Newman, Nicholson, Parker, Poole, Preuitt, Rains, Rice, Richardson, Rogers, Scott, Seibels, Smith, Starkey, Starr, Thomas, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Warren, Williams, Wilson and Wright.

—71

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Hettinger, the rules were suspended in order to take up out of order the bill, H. 741.

H. 741 TEMPORARILY POSTPONED

On motion of Rep. Hettinger, the bill, H. 741, was temporarily postponed.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Casey, the rules were suspended in order to take up out of order the bill, H. 196.

S. 127 SUBSTITUTED FOR H. 196.

On motion of Rep. Casey, the bill, S. 127, was substituted for the bill, H. 196.

And the bill:

S. 127. To be known as "The Alabama Limited Partnership Act of 1983" revising the laws of Alabama in Title 10 of the Code of Alabama 1975 providing for: general provisions; formation, certificate of limited partnership, amendment to certificate, cancellation of certificate and filing of certificate; limited partners; general partners; finance; distribution and withdrawal; assignment of partnership interest; dissolution; foreign limited partnerships; derivative actions; and to prescribe the powers, authority and duties of such limited partnerships, and of the limited and general partners thereof; repealing § 10-9-1 through § 10-9-5; § 10-9-20 through § 10-9-28; § 10-9-40 through § 10-9-52; § 10-9-70; § 10-9-80; § 10-9-90; § 10-9-110 through § 10-9-129; and § 10-9-140 through § 10-9-147, Code of Alabama (1975); and amending § 10-9-91, Code of Alabama (1975) to provide as to the circumstances in which this act applies to limited partnerships formed prior to the effective date of this Act.

Was read a third time at length and passed.

Yeas 62; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Blake, Blakeney, Boles, Box, Brakefield, Brooks, Browder, Bryant, Campbell, Casey, Clikas, Cosby, Crow, Davis, Escott, Faulk, Gaston, Goodwin, Grouby, Hammett, Horn, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Lewis, McKee, McMillan, Manley, Mathis, Mitchell, Newman, Nicholson, Parker, Payne, Penry, Poole, Rice, Richardson, Rogers,

Smith, Starkey, Starr, Stout, Thomas, Trammell, Tucker, Turner, Venable, Warren, White (F), Wilson and Zoghby.

—62

H. 196 INDEFINITELY POSTPONED

On motion of Rep. Casey, the bill:

H. 196. To be known as "The Alabama Limited Partnership Act of 1983" revising the laws of Alabama in Title 10 of the Code of Alabama 1975 providing for: general provisions; formation, certificate of limited partnership, amendment to certificate, cancellation of certificate and filing of certificate; limited partners; general partners; finance; distribution and withdrawal; assignment of partnership interest; dissolution; foreign limited partnerships; derivative actions; and to prescribe the powers, authority and duties of such limited partnerships, and of the limited and general partners thereof; repealing § 10-9-1 through § 10-9-5; § 10-9-20 through § 10-9-28; § 10-9-40 through § 10-9-52; § 10-9-70; § 10-9-80; § 10-9-90; § 10-9-110 through § 10-9-129; and § 10-9-140 through § 10-9-147, Code of Alabama (1975); and amending § 10-9-91, Code of Alabama (1975) to provide as to the circumstances in which this act applies to limited partnerships formed prior to the effective date of this Act.

Was indefinitely postponed.

H. 741 RESUMED

And the bill:

H. 741. To reverse the numbers of House Districts 21 and 20 as designated in Section 1 of Act No. 83-154, H. 1, Second Special Session, 1983, approved February 23, 1983.

Which previously was temporarily postponed, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 55; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Biddle, Blakeney, Boles, Box, Brakefield, Brooks, Browder, Bryant, Campbell, Clikas, Cosby, Crow, Davis, Faulk, Gaston, Goodwin, Grouby, Hammett, Horn, Johnson (A.L.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, McKee, Mathis, Mitchell, Moore, Murphy, Newman, Nicholson, Parker, Poole, Rice, Richardson, Rogers, Scott, Smith, Starr, Stout, Thomas, Tucker, Turner, Venable, White (F), Wilson and Wright.

—55

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. McMillan, the rules were suspended in order to take up out of order the bill, H. 506.

And the bill:

H. 506. (With Amendment): To establish the Alabama teacher-of-the-year program; to direct the public's attention to the contributions made by all Alabama teachers; to authorize the State Department of Education to establish a selection process for the teacher-of-the-year program; to establish a special fund of five thousand dollars ($5,000.00) to be set aside within

the budget of the State Department of Education, which fund shall be known as the teacher-of-the-year award; and to recognize the good qualities of all Alabama teachers by selecting a teacher-of-the-year.

Was taken up.

SUBSTITUTE OFFERED

Rep. McMillan offered the following substitute to the bill, H. 506 and to the pending amendment reported by the Standing Committee on Education, said substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To establish the Alabama teacher-of-the-year program; to direct the public's attention to the contributions made by all Alabama teachers; to authorize the State Department of Education to establish a selection process for the teacher-of-the-year program; to recognize the good qualities of all Alabama teachers by selecting a teacher-of-the-year.

Be It Enacted by the Legislature of Alabama:

Section 1. The State Board of Education, jointly with each local board of education within the state may each year designate a classroom teacher as the Alabama Teacher-of-the-Year. A teacher may be nominated for the award by any Alabama resident by means of a nomination form which shall be prepared and distributed by the State Board of Education. Subject to the qualifications set forth in Section 2 of this chapter, nomination for the award shall be open to any person who is employed as a full-time teacher, kindergarten through Grade 12, in a public school under the general control of the State Board of Education.

Section 2. No person shall be considered for the Teacher-of-the-Year Award unless such person has taught, continuously, for an accumulative period of nine months or more previous to the date of such person's nomination; shall have been formally nominated; and be actively teaching in this State at the time of nomination. A nominee shall be a person fully certified by the State Board of Education for the position held.

Section 3. Persons wishing to nominate a person for the Teacher-of-the-Year Award shall forward such nomination, in writing, to the superintendent of the public school district in which the nominee is employed. The district superintendent and school board shall, from all nominations, choose one such nominee and forward the name of such person to the State Superintendent of Public Instruction, together with such additional material as the State Superintendent may request. The evaluation of each nominee for the award, the determination of finalists, and the appointment of judges for the choosing of the winner shall be administered by the State Superintendent in accordance with rules promulgated by the State Board of Education.

Section 4. Any public funds which may be available to the award recipient shall be expended based on rules and regulations promulgated by the State Board of Education. The principle criterion for use of public funds shall be that of educational benefit to pupils. Any funds from private sources which may be granted to the award recipient may be used for the educational benefit of pupils or for personal use of the award recipient.

Section 5. The provisions of this act are severable. If any part of the

act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this act are hereby repealed.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 58; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Box, Brooks, Browder, Bryant, Carter, Casey, Clark, Cosby, Crow, Faulk, Freeman, Gaston, Goodwin, Grimsley, Grouby, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kvalheim, Langford, Lauderdale, Lewis, McKee, McMillan, Manley, Mathis, Moore, Newman, Parker, Payne, Penry, Poole, Preuitt, Rice, Richardson, Sasser, Scott, Seibels, Smith, Starr, Stout, Thomas, Tucker, Turner, Waggoner, Warren, White (F), Williams and Wilson.

—58

CO-SPONSORS ADDED

Reps. Smith and Freeman were added as co-sponsors to the bill, H. 506.

And the bill:

H. 506. To establish the Alabama teacher-of-the-year program; to direct the public's attention to the contributions made by all Alabama teachers; to authorize the State Department of Education to establish a selection process for the teacher-of-the-year program; to recognize the good qualities of all Alabama teachers by selecting a teacher-of-the-year.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 72; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Box, Brooks, Browder, Bryant, Butler, Carter, Casey, Clark, Clikas, Coburn, Cosby, Crow, Faulk, Flowers, Freeman, Gaston, Goodwin, Grimsley, Grouby, Harvey, Hettinger, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Langford, Lauderdale, Lewis, McKee, McMillan, Manley, Mathis, Minus, Moore, Murphy, Newman, Nicholson, Parker, Payne, Penry, Poole, Preuitt, Rice, Richardson, Sasser, Scott, Smith, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turner, Waggoner, Warren, White (F), White (L), Williams, Wilson and Wright.

—72

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Wilson, the rules were suspended in order to take up out of order the bill, H. 329.

And the bill:

H. 329. Relating to the uniform commercial code; to amend Section 7-9-403, Code of Alabama 1975, to exempt mobile homes from being subject to the limitation of filing a continuation statement five years after filing a financing statement on a perfected security interest.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 68; Nays 0.

Yeas:

Mr. Speaker, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Box, Brakefield, Brooks, Browder, Bryant, Butler, Campbell, Carothers, Carter, Casey, Clikas, Cosby, Crow, Davis, Faulk, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hettinger, Horn, Howard, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Langford, Lauderdale, Lewis, Manley, Mathis, Minus, Mitchell, Moore, Newman, Nicholson, Parker, Payne, Poole, Preuitt, Rains, Rice, Richardson, Rogers, Sasser, Smith, Starkey, Starr, Stout, Trammell, Tucker, Turner, Waggoner, Warren, White (L), Williams, Wilson, Wright and Zoghby.

—68

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. White (L), the rules were suspended in order to take up out of order the bill, H. 681.

And the bill:

H. 681. To amend §34-23-116, Code of Alabama of 1975, relating to exemptions from the "Third Party Prescription Program Act" in Title 34, Chapter 23, Article 5, Code of Alabama of 1975, so as to provide for exemption of services reimbursed by non-profit corporations organized under Title 10, Chapter 4, Article 6, Code of Alabama of 1975, to establish and operate health care service plans.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 55; Nays 8.

Yeas:

Mr. Speaker, Biddle, Blakeney, Brooks, Browder, Bryant, Butler, Carter, Casey, Clikas, Coburn, Cosby, Crow, Davis, Faulk, Flowers, Freeman, Gaston, Grimsley, Grouby, Hall, Harper, Hettinger, Holmes, Johnson (A.L.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Lauderdale, Layton, Lewis, Mathis, Minus, Mitchell, Moore, Murphy, Nicholson, Payne, Poole, Rice, Richardson, Sasser, Scott, Seibels, Starr, Stout, Thornton, Tucker, Turner, Waggoner, Warren, White (F), Williams and Wright.

—55

Nays: Reps.: Adams, Bennett, Clark, Coleman, Holley, Johnson (R.G.), Laird and Newman. —8

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Holley, the rules were suspended in order to take up out of order the bill, H. 832.

And the bill:

H. 832. To provide that the governing body of any municipality, with a population of less than 5,000 persons, by resolution duly adopted, may abolish or create a civil service system or other personnel board; to continue all rights, interest and privileges which certain employees have in any civil service or merit system within any such municipality; to prescribe that the provisions of this act shall be construed in pari materia with Section 36-27-6, Code of Alabama 1975, permitting certain governing boards, including municipalities to elect to have its eligible officers and employees participate in the state retirement systems; and to repeal conflicting laws.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 51; Nays 1.

Yeas:

Mr. Speaker, Biddle, Blake, Blakeney, Box, Brooks, Browder, Bryant, Butler, Carter, Clark, Clikas, Coleman, Cosby, Crow, Davis, Escott, Ford, Gaston, Grimsley, Grouby, Holley, Holmes, Horn, Johnson (Roy), Junkins, Kennedy, Kvalheim, Langford, Lauderdale, Layton, Manley, Martin, Mathis, Melton, Moore, Newman, Poole, Rains, Richardson, Rogers, Scott, Smith, Starkey, Thornton, Tucker, Turner, Warren, White (F), Williams and Wright.

—51

Nay: Rep. Nicholson. —1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. McKee, the rules were suspended in order to take up out of order the bill, H. 587.

And the bill:

H. 587. To make an appropriation from the State General Fund for the relief of John W. Bailey who contracted Histoplasmosis in line of duty and was forced to retire from employment with the State of Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 73; Nays 0.

Yeas:

Mr. Speaker, Bennett, Biddle, Blake, Blakeney, Boles, Brakefield, Brooks, Browder, Bryant, Butler, Carter, Casey, Clikas, Coburn, Coleman, Cosby, Davis, Drinkard, Escott, Faulk, Ford, Freeman, Gaston, Grimsley, Grouby, Hall, Hammett, Hettinger, Holley, Holmes, Horn, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kvalheim, Laird, Lauderdale, Layton, Lewis, McKee, McMillan, Martin, Mathis, Moore, Murphy, Newman, Parker, Payne, Penry, Poole, Preuitt, Rains, Rice, Richardson, Rogers, Scott, Seibels, Smith, Starkey, Starr, Thomas, Thornton, Tucker, Venable,

Waggoner, Warren, White (L), Williams, Wilson, Wright and Zoghby.

—73

CO-SPONSOR ADDED

Rep. Holmes was added as co-sponsor to the bill, H. 587.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Lewis, the rules were suspended in order to take up out of order the bill, S. 322.

And the bill:

S. 322. To provide for the confidentiality of circulation and registration records maintained by public school libraries, public libraries and college and university libraries; and to amend Section 36-12-40, Code of Alabama 1975, so as to provide for said exemption and to provide certain exceptions.

Was read a third time at length and passed.

Yeas 73; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Biddle, Blakeney, Boles, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Escott, Faulk, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harvey, Hettinger, Holley, Horn, Howard, Johnson (R.G.), Johnson (Roy), Junkins, Kvalheim, Langford, Lauderdale, Layton, Lewis, Martin, Mathis, Moore, Murphy, Newman, Parker, Payne, Poole, Rains, Rice, Rogers, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Tucker, Turnham, Venable, Warren, White (L), Williams, Wilson, Wright and Zoghby.

—73

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Biddle, the rules were suspended in order to take up out of order the bill, H. 722.

And the bill:

H. 722. To provide for an advisory council to the designated state health planning and development agency; to specify the number and manner of selection of the members of the council; to provide for per diem and reimbursement for allowable expenses for the members of the council and special task forces; to specify the manner of selection of the chairman of the council; to provide for the appointment of special task forces to perform designated functions; to specify the frequency of the meetings of the council and to specify the number of members constituting a quorum for the transaction of business; to specify that the state health planning and development agency shall serve as the designated agency for the purpose of Section 1122 of the Social Security Act; to provide for the adoption, revision, etc., of rules, regulations, standards, etc. by the state health planning and development agency and appeals therefrom; to provide that the provisions of the Act are severable; to repeal stated portions of the Code of Alabama, 1975; to provide for the effective date of the Act.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 68; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Box, Brooks, Browder, Bryant, Carter, Clark, Clikas, Coleman, Cosby, Crow, Davis, Escott, Faulk, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Hettinger, Holley, Holmes, Horn, Howard, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Layton, Mathis, Moore, Murphy, Newman, Parker, Poole, Rains, Rice, Rogers, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turnham, Venable, Warren, Williams, Wilson, Wright and Zoghby.

—68

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Biddle, the rules were suspended in order to take up out of order the bill, H. 355.

And the bill:

H. 355. To prohibit the landing of aircraft on public highways or streets.

Was taken up.

SUBSTITUTE OFFERED

Rep. Biddle offered the following substitute to the bill, H. 355:

A BILL
TO BE ENTITLED
AN ACT

To prohibit the landing of aircraft on public highways or streets, except in the case of an emergency situation as declared by the pilot of the airplane.

Be It Enacted by the Legislature of Alabama:

Section 1. No person shall land an aircraft upon a public highway or street in the State of Alabama, except in the case of an emergency situation as declared by the pilot of the airplane.

Section 2. Every person convicted of landing an aircraft upon a public highway or street shall be punished by imprisonment for a period of not less than five (5) days nor more than ninety (90) days or by fine of not less than twenty-five dollars ($25.00) nor more than five-hundred dollars ($500.00) or both such fine and imprisonment.

Section 3. All laws or parts of law in conflict with this act are hereby repealed.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 62; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Biddle, Blake, Blakeney, Bowling, Box, Brakefield, Brooks, Browder, Butler, Carter, Clark, Clikas, Coleman, Cosby, Dutton, Escott, Faulk, Ford, Gaston, Goodwin, Grimsley, Hammett, Hettinger, Holley, Holmes, Howard, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Langford, Lauderdale, Layton, McKee, McMillan, Mathis, Minus, Moore, Murphy, Newman, Parker, Poole, Richardson, Scott, Starkey, Starr, Thornton, Trammell, Tucker, Turner, Venable, Waggoner, Warren, Williams, Wilson, Wright and Zoghby.

—62

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the House amendment to the following Senate Bills:

S. 68. To amend Section 41-16-51, Code of Alabama 1975, which exempts certain contracts from the requirements of the competitive bid law, so as to exempt contracts up for renewal entered into by municipalities and/or counties for sanitation services, and to clarify the exemption relating to the expenditure of funds by utility systems for supplies or materials.

Also:

S. 373. The purpose of this bill is to amend Sections 12-16-34 and 12-16-37, Code of Alabama 1975, which sections relate to jury commissions, jury commission clerks, and clerical assistance; to provide for their appointment, their compensation and to provide for the method by which claims shall be submitted to the State for payment; and to repeal all local laws and general bills of local application in conflict with the provisions in Article 2 of Title 12, Chapter 16, Code of Alabama 1975.

McDOWELL LEE,
Secretary.

H. 355 RESUMED

And the bill:

H. 355. To prohibit the landing of aircraft on public highways or streets, except in the case of an emergency situation as declared by the pilot of the airplane.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 68; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Biddle, Blake, Blakeney, Bowling, Box, Brakefield, Brooks, Browder, Butler, Carter, Clark, Clikas, Coleman, Cosby, Crow, Dutton, Escott, Faulk, Gaston, Goodwin, Grimsley, Hall, Hammett, Harper, Harvey, Holley, Holmes, Howard, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Langford, Lauderdale, Layton, McKee, McMillan, Manley, Mathis, Moore, Murphy, Newman, Parker, Penry, Poole, Rains, Richardson, Sasser, Scott, Starkey, Starr, Thornton, Trammell, Tucker, Turner, Venable, Waggoner, Warren, White

(L), Williams, Wilson, Wright and Zoghby.

—68

AGREEMENT FILED

The agreement between Covington Electric Cooperative, Inc., the City of Elba and the City of Elba Water and Electric Board was submitted and ordered filed.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Hettinger, the rules were suspended in order to take up out of order the bill, S. 434.

And the bill:

S. 434. (With Amendment): Relating to the Alabama Space Science Exhibit Commission, to amend section 41-9-430, section 41-9-432 and section 41-9-435 of the Code of Alabama 1975 in order to empower the Alabama Space Science Exhibit Commission to construct and acquire or lease lodging facilities including parking facilities and facilities for meetings therein, for use by visitors to the commission's permanent exhibit, and to provide for the issuance by the commission of revenue bonds to finance such facilities, and describe and provide for the security therefor.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Commerce and Industrial Development, said committee amendment being as follows:

Amend S.B. 434 on page 3, Section 1, line 7 by adding after the word "meetings" the following

(provided said items are constructed within one mile of the Alabama Space and Rocket Center),

And the amendment was adopted.

Yeas 50; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Biddle, Bowling, Box, Brooks, Buskey, Casey, Clark, Coburn, Coleman, Davis, Escott, Faulk, Freeman, Gaston, Goodwin, Grouby, Harper, Holley, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Layton, Manley, Moore, Newman, Nicholson, Parker, Penry, Poole, Rains, Rogers, Scott, Seibels, Smith, Starkey, Starr, Thomas, Tucker, Turner, Venable and Wilson.

—50

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quroum present.

And the bill, S. 434 as thus amended, was read a third time at length and passed.

Yeas 57; Nays 1.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Biddle, Blake, Bowling, Box, Brooks, Browder, Bryant, Buskey, Campbell, Carter, Casey, Clark, Coburn, Coleman, Crow, Davis, Escott, Faulk, Freeman, Gaston, Goodwin, Grouby, Harper, Holley, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Layton, Lewis, Manley, Mitchell, Moore, Murphy, Newman, Nicholson, Parker, Penry, Poole, Rains, Rogers, Scott, Smith, Starkey, Starr, Thomas, Turner, Venable, Wilson and Zoghby.

—57

Nay: Rep. Howard. —1

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Boles, the rules were suspended in order to take up out of order the bill, H. 339.

H. 339 TEMPORARILY POSTPONED

On motion of Rep. Boles, consideration of the bill, H. 339, was temporarily postponed.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Casey, the rules were suspended in order to take up out of order the bill, H. 621.

S. 131 SUBSTITUTED FOR H. 621

On motion of Rep. Casey, the bill, S. 131, was substituted for the bill, H. 621.

And the bill:

S. 131. To amend Sections 32-15-4 through 32-15-7 of the Code of Alabama 1975, relating to renting, hiring and using motor vehicles, so as to provide further for such offenses and penalties.

Was read a third time at length and passed.

Yeas 66; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Biddle, Blake, Bowling, Box, Brakefield, Brooks, Browder, Campbell, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Escott, Faulk, Ford, Freeman, Gaston, Goodwin, Grouby, Hammett, Harper, Holley, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Manley, Moore, Murphy, Newman, Nicholson, Parker, Poole, Rains, Rice, Richardson, Rogers, Scott, Smith, Starkey, Starr, Stout, Thomas, Tucker, Turner, Venable, Waggoner, Warren, White (F), Wilson and Zoghby.

—66

H. 621 INDEFINITELY POSTPONED

On motion of Rep. Casey, the bill:

H. 621. To amend Sections 32-15-4 through 32-15-7 of the Code of Alabama 1975, relating to renting, hiring and using motor vehicles, so as to provide further for such offenses and penalties.

Was indefinitely postponed.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Penry, the rules were suspended in order to take up out of order the bill, S. 376.

And the bill:

S. 376. To amend Section 2-31-4 which sets up bond requirements for grain dealers; to require that a grain dealer's bond shall be based upon 10% of the aggregate dollar amount paid by dealers to producers during the 12-month period ending within 30 days from the time the dealer applies to be licensed; to require that persons that have been a grain dealer for less than one year must file the minimum bond allowed; to require that the bond is applicable for each separate location; to require that the bond required shall be no less than $25,000 nor more than $100,000 for each separate location.

Was read a third time at length and passed.

Yeas 72; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Biddle, Blakeney, Bowling, Box, Brakefield, Browder, Bryant, Butler, Campbell, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Davis, Dutton, Faulk, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hammett, Harper, Holley, Holmes, Horn, Howard, Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Layton, Martin, Mathis, Melton, Moore, Murphy, Newman, Nicholson, Parker, Penry, Poole, Rains, Richardson, Rogers, Sasser, Scott, Smith, Starr, Stout, Thomas, Thornton, Tucker, Turner, Turnham, Venable, Waggoner, Warren, White (F), Williams, Wilson and Zoghby.

—72

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Penry, the rules were suspended in order to take up out of order the bill, H. 610.

And the bill:

H. 610. To amend Section 2-31-4 which sets up bond requirements for grain dealers; to require that a grain dealer's bond shall be based upon 10% of the aggregate dollar amount paid by dealers to producers during the 12-month period ending within 30 days from the time the dealer applies to be licensed; to require that persons that have been a grain dealer for less than one year must file the minimum bond allowed; to require that the bond is applicable for each separate location; to require that the bond required shall be no less than $25,000 nor more than $100,000 for each separate location.

Was taken up.

INDEFINITELY POSTPONED

On motion of Rep. Penry, the bill, H. 610, was indefinitely postponed.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Junkins, the rules were suspended in order to take up out of order the bill, H. 724.

MOTION TO SUSPEND RULES LOST

The motion offered by Rep. Kennedy to suspend the rules in order to take up out of order the bill, H. 515, was lost, lacking a four-fifths vote.

Yeas 59; Nays 22.

Yeas:

Mr. Speaker, Ashley, Bennett, Blake, Boles, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Casey, Clark, Coburn, Crow, Davis, Drinkard, Dutton, Escott, Ford, Freeman, Goodwin, Grimsley, Hall, Harper, Holley, Holmes, Horn, Howard, Johnson (Roy), Junkins, Kennedy, Langford, Lauderdale, Martin, Mathis, Melton, Moore, Murphy, Newman, Parker, Penry, Poole, Rains, Richardson, Rogers, Sasser, Scott, Seibels, Starkey, Stout, Thornton, Tucker, Turner, Turnham, Warren, White (F), White, (L) and Williams.

—59

Nays:

Reps.: Adams, Butler, Campbell, Carter, Clikas, Gaston, Grouby, Johnson (R.G.), Laird, Layton, Lewis, McMillan, Manley, Minus, Mitchell, Payne, Smith, Starr, Trammell, Waggoner, Wright and Zoghby.

—22

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 112. To provide further for the procedure for redeeming lands sold for taxes in Escambia County; to transfer certain duties of the probate judge of such county relative to such redemptions to the tax collector of the county; to relieve the probate judge of such county of these duties; and to repeal conflicting laws.

Also:

H. 749. To authorize the Lee County Commission to provide protection of forests from fires, insects, disease and other pests within the county and to assess the whole or a part of the costs thereof, within a prescribed limit, against forest lands in the county and to prescribe the procedure for levying and collecting such assessments.

Also:

H. 818. Relating to Tallapoosa County; amending Act No. 79-565, S. 200, 1979 Regular Session, which provides for a pistol permit fee in the county, so as to provide further for said fee.

Also:

H. 830. Relating to Greene County; amending Section 1 of Act No. 376, H. 1040, Regular Session 1975 (Acts 1975, p. 926), relating to the creation, composition, appointment and terms of the Greene County Racing Commission, so as to provide that the Governor shall make such appointments and increases the term of office.

McDOWELL LEE
Secretary.

And the bill:

H. 339. (With Substitute): To provide for the enactment of the Alabama Uniform Parentage Act, creating a civil cause of action in the courts of this state for the determination of paternity for the purposes of support and other reasons; to provide for the definition of the parent and child relationship and methods for the establishment of said relationship; to provide for a presumption of paternity; to provide for the treatment of the husband of a woman who has been the subject of artificial insemination, with his consent, as the natural father of a child born thereof; to provide for the jurisdiction of actions to determine paternity and support under this Act in those courts exercising jurisdiction over juvenile proceedings; to provide for the venue and service of process in said proceedings; to provide for the determination of the existence or non-existence of the father and child relationship and when and by whom these actions may be brought; to specifically provide that applicable sections of the Criminal Code shall remain available for the enforcement of a child's right to support; to provide for court-ordered blood tests, the selection of expert witnesses and evidence relating to paternity and the admissibility of such evidence; to provide for court orders determining paternity and the payment of support and the enforcement of such orders by the mother, the child or public authorities furnishing expenses and support; to provide that written agreements for support shall be enforceable by the courts; to provide that any party may be represented by an attorney and that the district attorney, special prosecutor and other attorney authorized to represent the State of Alabama shall prosecute all proceedings under this Act; to provide that an action to determine paternity for the purposes of support may be brought at any time prior to the child's 19th birthday; to provide that any interested party may also bring an action to determine the existence or non-existence of the mother and child relationship; to provide for the issuance of a new birth certificate upon a determination of paternity; to further provide for the appeal of judgments rendered pursuant to this Act to the circuit court for a trial de novo and by a jury, if demanded; and to specifically repeal Sections 26-12-1 through 26-12-9, Code of Alabama 1975.

Which previously was temporarily postponed, was taken up.

SUBSTITUTE OFFERED

Rep. Boles offered the following substitute to the bill, H. 339, and to the pending substitute reported by the Standing Committee on Judiciary:

A BILL
TO BE ENTITLED
AN ACT

To provide for the enactment of the Alabama Uniform Parentage Act, creating a civil cause of action in the courts of this state for the determination of paternity for the purposes of support and other reasons; to provide for the definition of the parent and child relationship and methods for the establishment of said relationship; to provide for a presumption of paternity; to provide for the jurisdiction of actions to determine paternity and support under this Act in those courts exercising jurisdiction over juvenile proceedings; to provide for the venue and service of process in said proceedings; to provide for the determination of the existence or non-existence of the father and child relationship and when and by whom these actions may be brought; to specifically provide that applicable sections of the Criminal Code shall remain available for the enforcement of a child's right to sup-

port; to provide for court-ordered blood tests, the selection of expert witnesses and evidence relating to paternity and the admissibility of such evidence; to provide for court orders determining paternity and the payment of support and the enforcement of such orders by the mother, the child or public authorities furnishing expenses and support; to provide that written agreements for support shall be enforceable by the courts; to provide that any party may be represented by an attorney and that the district attorney, special prosecutor and other attorney authorized to represent the State of Alabama shall prosecute all proceedings under this Act; to provide a statute of limitation for paternity action under this act; to provide that any interested party may also bring an action to determine the existence or nonexistence of the mother and child relationship; to provide for the issuance of a new birth certificate upon a determination of paternity; to further provide for the appeal of judgments rendered pursuant to this Act to the circuit court for a trial de novo and by a jury, if demanded; and to specifically repeal Sections 26-12-1 through 26-12-9, Code of Alabama 1975.

Be It Enacted by the Legislature of Alabama:

Section 1. Short Title.

This Act shall be known and may be cited as the Alabama Uniform Parentage Act.

Section 2. Parent and Child Relationship Defined.

As used in this Act, the term "parent and child relationship" shall mean the legal relationship existing between a child and his natural or adoptive parents incident to which the law confers or imposes rights, privileges, duties and obligations. It shall include the mother and child relationship and the father and child relationship.

Section 3. Relationship Not Dependent Upon Marriage.

The parent and child relationship shall extend equally to every child and to every parent, regardless of the marital status of the parents.

Section 4. Same; How Established.

The parent and child relationship may be established between a child and:

(1) The natural mother by proof of her having given birth to the child, or pursuant to the provisions of this Act;

(2) The natural father pursuant to this Act;

(3) An adoptive parent by proof of adoption or pursuant to the Revised Uniform Adoption Act.

Section 5. Presumption of Paternity.

(a) A man is presumed to be the natural father of a child if:

(1) He and the child's natural mother are or have been married to each other and the child is born during the marriage, or within 300 days after the marriage is terminated by death, annulment, declaration of invalidity, or divorce, or after a decree of separation is entered by a court;

(2) Before the child's birth he and the child's natural mother have attempted to marry each other by a marriage solemnized in apparent compliance with law, although the attempted marriage is or could be declared invalid, and

a. If the attempted marriage may be declared invalid only by a court, the child is born during the attempted marriage, or within 300 days after the termination of the attempted marriage by death, annulment, declaration of invalidity, or divorce; or

b. If the attempted marriage is invalid without a court order, the child is born within 300 days after the termination of cohabitation;

(3) After the child's birth, he and the child's natural mother have married, or attempted to marry, each other by a marriage solemnized in apparent compliance with the law although the attempted marriage is or could be declared invalid, and

a. He has acknowledged his paternity of the child in writing, such writing being filed with the appropriate court or the Bureau of Vital Statistics; or

b. With his consent, he is named as the child's father on the child's birth certificate; or

c. He is otherwise obligated to support the child either under a written voluntary promise or by court order;

(4) While the child is under the age of majority, he receives the child into his home or otherwise openly holds out the child as his natural child; or

(5) He acknowledges his paternity of the child in a writing filed in accordance with provisions of the legimation statue.

(b) A presumption of paternity under this section may be rebutted in an appropriate action only by clear and convincing evidence. In the event two or more conflicting presumptions arise, that which is founded upon the weightier considerations of public policy and logic, as evidenced by the facts, shall control. The presumption, of paternity is rebutted by a court decree establishing paternity of the child by another man.

Section 6. Determination of Father and Child Relationship; Who May Bring Action; When Action May Be Brought.

(a) A child, a child's natural mother, or a man presumed to be its father under paragraph (1), (2), or (3) of Section 5(a) of this Act, may bring an action within five years for the purpose of declaring the existence of the father and child relationship presumed under paragraph (1), (2), or (3) of Section 5(a) of this Act; or

(b) Any interested party may bring an action at any time for the purpose of determining the existence or non-existence of the father and child relationship presumed under Paragraph (4) or (5) of Section 5(a) of this Act.

(c) An action to determine the existence of the father and child relationship with respect to a child who has no presumed father under Section 5 may be brought by the child, the mother, or personal representative of the child, the public authority chargeable by law with support of the child, the personal representative or a parent of the mother if the mother has died, a man alleged or alleging himself to be the father, or the personal representative or a parent of the alleged father if the alleged father has died or is a minor.

(d) If an action under this section is brought before the birth of the child, all proceedings shall be stayed until after the birth, except service of process and the taking of depositions to perpetuate testimony.

(e) If the child has been adopted, an action may not be brought.

Section 7. Style of Proceedings; Prosecution of Proceedings.

Actions commenced under this Act shall be in the name of the State of Alabama on relation of the complaining witness or party against the person claimed to be the father or against the person alleged to owe a duty of support as the defendant. The district attorney, special prosecutor or attorney otherwise authorized to represent the State of Alabama shall appear and prosecute all proceedings brought under this Act.

Section 8. Limitations on Recovery.

(a) The father's liabilities for past education and necessary support are limited to a period of one year next preceding the commencement of an enforcement action under this Act unless an order of support has been previously entered.

(b) An action to determine paternity for the purposes of obtaining support shall not be brought after the child attains age 19.

(c) The provisions of this section and Section 6 do not extend the time within which a right of inheritance or a right to a succession may be asserted beyond the time provided by law relating to distribution and closing of decedents' estates or to the determination of heirship, or otherwise.

Section 9. Civil Action; Paternity; Nonsupport.

(a) An action under this Act is a civil action governed by the rules of civil procedure. The mother and child and the alleged father are competent to testify and may be compelled to testify. All of the provisions of Sections 12 and 13 of this Act, including those regarding evidence, expert testimony and blood tests, shall apply in actions brought under this Act. The action brought may be joined with an action for divorce, annulment, separate maintenance or support.

(b) An action to determine paternity may be commenced upon the complaint of any female who is pregnant with or the mother of a child.

(c) An action to determine paternity may also be commenced upon the complaint of the child, the person having legal custody of the child or the representative of the public authority chargeable by law with the support of the child.

(d) A complaint for nonsupport of a child may be commenced by complaint by any party listed in subsections (b) and (c) of this section alleging sufficient facts that the defendant owes a duty of support, provided, that support payments have not been ordered previously pursuant to a decree of divorce. Upon a showing that the child is owed a duty of support by the defendant, such duty may be established pursuant to the requirements of Section 14 of this Act.

(e) In addition to the civil action for nonsupport provided by this section, applicable sections of the criminal code are available for enforcement of the child's right of support.

Section 10. Jurisdiction; Venue; Process; Conduct of Hearing.

(a) The causes of action provided by this Act shall be brought in the juvenile or family court division of the district or circuit court and wherever used in this Act the word "court" shall mean the juvenile or family court division of the district or circuit court and specifically shall include any dis-

trict or circuit court judge otherwise sitting in one of these divisions.

(b) A defendant who resides in this state thereby submits to the jurisdiction of the courts of this state as to an action brought under this Act.

(c) A person who is a non-resident of this state and who has sexual intercourse in this state thereby submits to the jurisdiction of the courts of this state as to an action brought under this Act with respect to a child who may have been conceived by that act of sexual intercourse. Jurisdiction over a non-resident may be acquired only by personal service of summons outside this state or by certified mail with proof of actual receipt.

(d) A defendant who resides in this state thereby submits to the jurisdiction of the courts of this state as to a Uniform Reciprocal Enforcement of Support action filed in this state by an initiating state for the purpose of establishing paternity. If the defendant asserts as a defense that he is not the father of the child for whom support is sought and it appears to the court that the defense is not frivolous, and if both parties are present at the hearing or if proof required in the case indicates the presence of either or both is not necessary, the court shall adjudicate the issue of paternity. The appropriate provisions of this Act shall apply to such actions. Upon determination of paternity or non-paternity, the appropriate sections of the Reciprocal State Enforcement of Duty to Support Act apply.

(e) The court shall retain jurisdiction of the cause for the purpose of entering such other and further orders as changing circumstances of the parties may in justice and equity require.

(f) The complaint for paternity or nonsupport shall be filed in the county in which the child resides or the county in which the defendant resides.

(g) Process directed to the defendant shall issue forthwith requiring the defendant to file written pleadings to the complaint in the manner prescribed by appropriate court rules.

(h) The court in which the action originated shall determine both the law and the facts without the intervention of a jury. A trial by jury may be had only as provided under Section 20 of this Act.

Section 11. Parties.

The child may be made a party to the action. If the child is a minor he shall be represented by his general guardian or a guardian ad litem appointed by the court, if not otherwise represented by counsel. The child's mother or father may not represent the child as guardian or otherwise. The court may appoint the public authority chargeable by law with the support of the child as guardian ad litem for the child. The natural mother, each man presumed to be the father under the provisions of Section 5 of this Act, and each man alleged to be the natural father, shall be made parties or, if not subject to the jurisdiction of the court, shall be given notice of the action in a manner prescribed by the court and an opportunity to be heard. The court may align the parties.

Section 12. Blood Tests; Selection of Experts; Admissibility; Compensation.

(a) Upon application of the defendant in a paternity proceeding or any other party to the action, the court shall order the mother, child and defendant to submit to one or more blood tests to assist the court in determining paternity of the child. No such blood test shall be taken before the child

reaches the age of six months. Whenever the court orders any such blood test to be taken and any of the persons whose blood is to be taken refuses to submit to the test, such fact shall be disclosed upon the trial, unless good cause is shown for not doing so.

(b) Any tests shall be made by an expert qualified as an examiner of blood types who shall be approved by the court. The expert may be called by the court or any party as a witness to testify to the blood test results and shall be subject to cross-examination by the parties. The blood test results may be admitted into evidence by the defendant. The blood test results may be admitted into evidence by the state only if the statistical probability of the alleged father's paternity is available. Blood testing methods include, but are not limited to, the human leukocyte antigen test. If more than one blood test is performed and the results are conflicting, none of the blood test results shall be admissible as evidence of paternity or non-paternity.

(c) Compensation of each expert witness shall be paid as the court shall order. The court shall order said compensation to be paid prior to the administration of the blood test.

Section 13. Evidence Relating to Paternity.

(a) Evidence relating to paternity may include:

(1) Evidence of sexual intercourse between the mother and alleged father at any possible time of conception;

(2) An expert's opinion concerning the statistical probability of the alleged father's paternity based upon the duration of the mother's pregnancy;

(3) Blood test results, weighed in accordance with evidence, if available, of the statistical probability of the alleged father's paternity;

(4) Medical or anthropological evidence relating to the alleged father's paternity of the child based on tests performed by experts. If a man has been identified as a possible father of the child, the court may, and upon request of a party shall, require the child, the mother, and the man to submit to appropriate tests; and,

(5) All other evidence relevant to the issue of paternity of the child.

(b) Upon refusal of any witness, including a party, to testify under oath or produce evidence, the court may order him to testify under oath and produce evidence concerning all relevant facts. If the refusal is upon the ground that his testimony or evidence might tend to incriminate him, the court shall grant him immunity from all criminal liability on account of the testimony or evidence he is required to produce. An order granting immunity bars prosecution of the witness for any offense shown in whole or in part by testimony or evidence he is required to produce, except for prejury committed in his testimony. The refusal of a witness, who has been granted immunity to obey an order to testify or produce evidence shall be punishable as a civil contempt of the court.

(c) In an action against an alleged father, evidence offered by the alleged father with respect to another man who is not subject to the jurisdiction of the court concerning his sexual intercourse with the mother at or about the probable time of conception of the child is admissible in evidence only if the alleged father has undergone and made available to the court blood tests the results of which do not exclude the possibility of the alleged father's paternity of the child. A man who is identified and is subject to the jurisdiction of the court shall be made a defendant in the action.

Section 14. Orders.

(a) The order of the court determining the existence or non-existence of the parent and child relationship is determinative for all purposes. Upon paternity being established, the court shall immediately determine support payments as the conclusion of the paternity hearing and make support payment determination a part of the order establishing paternity.

(b) The order of the court shall include a statement of fact of jurisdiction being acquired in situations of service obtained by out-of-state personal service or service obtained by out-of-state certified mail with proof of return receipt.

(c) If the order of the court is at variance with the child's birth certificate, the court shall order that a new birth certificate be issued pursuant to the provisions of Section 19 of this Act.

(d) The order may contain any other provision directed against the appropriate party to the proceeding, concerning the duty of support, the custody of the child or the furnishing of bond or other security for payment under the order. The order may direct the father to pay the reasonable expenses of the mother's pregnancy and confinement.

(e) Support orders ordinarily shall be for periodic payments which may vary in amount. Support orders may be in a lump sum amount if awarded against the appropriate party as a judgment representing an accrued arrearage or reimbursement to the agency providing support.

(f) In determining the amount to be paid by the parent for support of the child and the period during which the duty of support is owed, a court enforcing the obligation of support shall consider the needs of the child and the ability of the parents to support.

(g) Proof that a person owes a duty of support and has not contributed reasonably to support his child or proof of the award of public assistance on behalf of his child shall constitute sufficient basis for entry of an order of support.

Section 15. Enforcement of Order.

(a) If the existence of the father and child relationship is declared, or paternity or a duty of support has been acknowledged or adjudicated under this Act, prior law or applicable sections of the criminal code, the obligation of the father may be enforced in the same or other proceedings by the mother, the child, the public authorities that have furnished or may furnish the reasonable expenses of pregnancy, confinement, education, or support, or by any other person, including a private agency, to the extent these expenses have been or are being furnished.

(b) The court shall order payments to be made to a person, corporation, agency designated to administer them under the supervision of the court, or the public authority which has furnished or may furnish support for the child including but not limited to monetary and medical payments.

(c) Willful failure to obey the judgment or order of the court is a civil contempt of the court. All sanctions for enforcement of judgments apply.

Section 16. Promise to Render Support.

(a) Any promise in writing to furnish support for a child, growing out of a supposed or alleged father and child relationship does not require consideration and is enforceable according to its terms in any court having juris-

diction under 10(a), subject to the provisions of Section 6(d) of this Act.

(b) Stipulations in any agreement that seek to bar a paternity action are not enforceable.

Section 17. Right to Counsel; Costs.

(a) In all proceedings under this Act, any party may be represented by counsel. If the public authority chargeable by law with support of a child is a party, the appropriate attorney as provided in Section 7 of this Act shall represent the public authority. If the child receives public assistance and no conflict of interest exists, the appropriate attorney shall also represent the person having custody. If the child does not receive public assistance, the appropriate attorney may represent the person having custody at that person's request.

(b) The court shall appoint a guardian ad litem to represent a defendant who is a minor and who is not otherwise represented by counsel.

(c) It is the express intent of this Act that parties to proceedings under the Act should pay the fees and expenses of retained counsel, expert witnesses, guardians ad litem, the costs of appropriate tests and other costs of the trial as they may, themselves, incur. The court may order reasonable fees for attorneys, expert witnesses, guardian ad litem fees, costs of appropriate tests and other costs of the trial, including docket fees, to be paid by the parties in such proportions as the court may direct. In the event the court determines that a party is unable to pay the fees and costs as directed, it may order fees and costs, including fees and costs of appropriate tests, if such tests have been ordered by the court as provided in Section 12 of this Act, to be paid from the fund entitled, "Court Costs Not Otherwise Provided For". If costs and fees are ordered to be paid from said fund, claims shall be submitted by the clerk of the court to the state comptroller for audit and allowance and, if approved by the comptroller, shall be forwarded to the state treasurer for payment from said fund. Provided, docket fees and fees of retained counsel shall not be paid from said fund. Docket fees shall be waived if the court determines that the parties are incapable of paying them.

(d) Nothing contained in this Act shall be construed so as to guarantee court-appointed counsel at the state's expense to any party who is not otherwise entitled to court-appointed counsel under statutory or case law. Appointment of counsel for a minor defendant or party who is entitled to counsel and the compensation of such appointed counsel shall be governed by the other applicable law.

(e) When a party bringing an action is represented by the district attorney or attorney authorized to represent the State of Alabama, no filing fee shall be paid to the clerk of the court but may be taxed as a cost of the action as provided herein.

Section 18. Action to Declare Mother and Child Relationship.

Any interested party may bring an action to determine the existence or non-existence of a mother and child relationship. Insofar as practicable, the provisions of this Act applicable to the father and child relationship apply.

Section 19. Birth Records.

(a) Upon order of a court of this State or upon request of a court of another state, the Registrar of Vital Statistics shall prepare a new certificate of birth consistent with the findings of the court and shall substitute the

new certificate for the original certificate of birth.

(b) The fact that the father and child relationship was declared after the child's birth shall not be ascertainable from the new certificate but the actual place and date of birth shall be shown.

(c) The evidence upon which the new certificate was made and the original birth certificate shall be kept in a sealed and confidential file and be subject to inspection only upon the consent of the court and all interested persons, or in exceptional cases only upon an order of the court for good cause shown.

Section 20. Appeals.

(a) The State of Alabama, the person on the relation of whom the action is brought or the defendant may appeal from any final judgment rendered under the provisions of this Act. Appeals shall be taken from the juvenile or family court division of either the district or circuit court to the circuit court for a trial de novo and for a jury trial, if demanded by the appellant or the defendant. Written notice of appeal shall be filed with the clerk of the circuit court within 14 days of the date of the order appealed from or the denial of a post trial motion. The defendant may file a supersedeas bond on appeal to stay enforcement of a support order, but a support order shall continue to accrue during the pendency of the appeal. Any party may appeal to the Court of Civil Appeals pursuant to the Alabama Rules of Appellate Procedure and the Alabama Rules of Juvenile Procedure upon the entry of a final judgment in the circuit court on the trial de novo. If the appeal is taken by the state, no security for the cost need be given.

(b) Appeals may be taken from the juvenile or family court division of the district or circuit court directly to the Court of Civil Appeals if there is an adequate record or stipulation of the facts by the parties and the right to a jury trial is waived by all parties entitled thereto. Provided, that this subsection shall specifically not be construed as requiring the juvenile and family court divisions of the district and circuit courts to maintain a record of the proceedings brought pursuant to the provisions of this Act. Written notice of appeal in appeals brought pursuant to the provisions of this Act. Written notice of appeal in appeals brought pursuant to this subsection shall be filed within 14 days of the entry of the judgment or order appealed from.

Section 21. Sections 26-12-1 through 26-12-9, Code of Alabama 1975, are expressly repealed and all laws or parts of laws which conflict with this Act are hereby repealed. The provisions of this Act shall not, however, be construed to repeal or supersede any laws not inconsistent herewith.

Section 22. The provisions of this Act are severable. If any portion of this Act shall be declared invalid by any court of competent jurisdiction, such declaration shall not affect the remaining portions of this Act.

Section 23. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 59; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Blakeney, Boles, Box, Brooks, Browder,

Bryant, Buskey, Butler, Carter, Casey, Clark, Clikas, Coburn, Coleman, Davis, Escott, Ford, Freeman, Gaston, Grimsley, Grouby, Harper, Hettinger, Holley, Horn, Howard, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Langford, Lauderdale, Manley, Mathis, Minus, Moore, Newman, Parker, Penry, Poole, Rains, Richardson, Rogers, Sasser, Scott, Smith, Starkey, Trammell, Tucker, Turner, Turnham, Waggoner, Warren, Williams, Wilson and Zoghby.

—59

And the bill:

H. 339. To provide for the enactment of the Alabama Uniform Parentage Act, creating a civil cause of action in the courts of this state for the determination of paternity for the purposes of support and other reasons; to provide for the definition of the parent and child relationship and methods for the establishment of said relationship; to provide for a presumption of paternity; to provide for the jurisdiction of actions to determine paternity and support under this Act in those courts exercising jurisdiction over juvenile proceedings; to provide for the venue and service of process in said proceedings; to provide for the determination of the existence or non-existence of the father and child relationship and when and by whom these actions may be brought; to specifically provide that applicable sections of the Criminal Code shall remain available for the enforcement of a child's right to support; to provide for court-ordered blood tests, the selection of expert witnesses and evidence relating to paternity and the admissibility of such evidence; to provide for court orders determining paternity and the payment of support and the enforcement of such orders by the mother, the child or public authorities furnishing expenses and support; to provide that written agreements for support shall be enforceable by the courts; to provide that any party may be represented by an attorney and that the district attorney, special prosecutor and other attorney authorized to represent the State of Alabama shall prosecute all proceedings under this Act; to provide a statute of limitation for paternity action under this act; to provide that any interested party may also bring an action to determine the existence or non-existence of the mother and child relationship; to provide for the issuance of a new birth certificate upon a determination of paternity; to further provide for the appeal of judgments rendered pursuant to this Act to the circuit court for a trial de novo and by a jury, if demanded; and to specifically repeal Sections 26-12-1 through 26-12-9, Code of Alabama 1975.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 72; Nays 0.

Yeas:

Mr. Speaker, Ashley, Biddle, Blakeney, Boles, Box, Brakefield, Brooks, Browder, Butler, Campbell, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Ford, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Hettinger, Holley, Horn, Howard, Johnson (A.L.), Johnson (Roy), Junkins, Kennedy, Langford, Lauderdale, Lewis, McMillan, Manley, Mathis, Moore, Murphy, Newman, Parker, Payne, Poole, Rains, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thornton, Trammell, Tucker, Turner, Waggoner, Warren, White (F), Williams, Wilson, Wright and Zoghby.

—72

H. 724 RESUMED

And the bill:

H. 724. To amend Sections 36-30-1 and 36-30-20, Code of Alabama 1975, which provide for compensation for death or disability of certain law enforcement personnel, and Section 36-21-8, Code of Alabama 1975, which provides for the retention of badges and pistols upon retirement by certain law enforcement personnel, so as to include officers of the Department of Industrial Relations within these provisions.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 57; Nays 0.

Yeas:

Mr. Speaker, Ashley, Biddle, Blakeney, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Casey, Clark, Coburn, Coleman, Cosby, Crow, Dutton, Faulk, Ford, Gaston, Grimsley, Grouby, Holley, Holmes, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Lauderdale, Manley, Martin, Moore, Murphy, Newman, Parker, Penry, Poole, Rains, Rice, Richardson, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Tucker, Turner, Turnham, Warren, White (L), Williams, Wilson and Wright.

—57

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Coburn, the rules were suspended in order to take up out of order the bill, H. 526.

And the bill:

H. 526. To provide that certain county officers and employees who belong to the state retirement system, who are deemed blind, shall be entitled to a minimum retirement benefit allowance.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 71; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Blakeney, Boles, Box, Brooks, Browder, Bryant, Buskey, Campbell, Carothers, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Goodwin, Grimsley, Grouby, Harper, Hettinger, Holley, Holmes, Horn, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, Mathis, Minus, Murphy, Newman, Parker, Poole, Rains, Rice, Richardson, Rogers, Scott, Seibels, Smith, Starkey, Starr, Thornton, Tucker, Turner, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

—71

RESOLUTION

The following resolution was introduced:

By Rules Committee:

H. R. 401. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That the following business in the order named be made the special, paramount and continuing order of business beginning July 13, 1983, taking precedence over any other business of the House.

Report of Standing Committees

Introduction of Bills and Resolutions

Uncontested Local Bills

Unfinished Business

By Mr. Browder:

H. 544 p. 131 Crime Victims Compensation Commission

By Mr. Browder:

H. 478 p. 91 Restitution orders in criminal cases

By Mr. Campbell:

H. 764 p. 126 Environmental Management Agency

By Mr. Biddle:

H. 459 p. 75 Child support payments

By Mr. Wilson:

H. 465 p. 70 Time frame, court exhibits

By Mr. Rogers:

H. 553 p. 7-S Jefferson County, racing bill

By Ms. Kennedy:

H. 515 p. 82 Telephone communication bill

By Mr. Turner:

H. 481 p. 97 Abortion, parental consent

By Mr. Horn:

H. 416 p. 113 Registered voter lists

By Mr. Parsons:

S. 68 p. 113 Competitive bid law

By Mr. Carothers:

H. 143 p. 51 Hunter safety education

By Mr. Keener:

S. 109 p. 139 Liability of state employees

By Mr. Turnham:

H. 742 p. 118 Heating and Air Conditioning

By Mr. White (L):

H. 656 p. 124 Bad check bill

By Mr. Campbell:

H. 394 p. 63 Banks and branch banking

By Mr. Manley:

H. 512 p. 84 Territories for electric suppliers

By Mr. Sasser:

H. 491 p. 153 Recordation tax

By Mr. Sasser:

H. 490 p. 153 Fees for services, probate offices

By Mr. Sasser:

H. 489 p. 152 Salaries, Probate judges, commissioners

AMENDMENT OFFERED

Rep. Manley offered the following amendment to the resolution, H. R. 401:

Amend House Resolution 401, by the Rules Committee, by adding the following House bill to the Special Order above House Bill 544, page 131.

House Bill 512, page 84.

MOTION TO TABLE LOST

The motion offered by Rep. Casey to table the amendment offered by Rep. Manley to the resolution, H. R. 401, was lost.

Yeas 41; Nays 44.

Yeas:

Reps: Adams, Ashley, Bennett, Boles, Brooks, Browder, Bryant, Buskey, Butler, Carothers, Casey, Clark, Coburn, Crow, Dutton, Escott, Flowers, Freeman, Goodwin, Harper, Hettinger, Horn, Howard, Johnson (R.G.), Kennedy, Langford, Lauderdale, McMillan, Martin, Parker, Rains, Rice, Richardson, Rogers, Starkey, Thomas, Tucker, Turner, Warren, White (F) and White (L).

—41

Nays:

Reps.: Biddle, Blake, Blakeney, Box, Campbell, Clikas, Coleman, Cosby, Drinkard, Faulk, Ford, Gaston, Grimsley, Grouby, Hammett, Holley, Johnson (A.L.), Johnson (Roy), Junkins, Kvalheim, Laird, Layton, Lewis, Manley, Mathis, Minus, Moore, Murphy, Newman, Payne, Poole, Preuitt, Sasser, Scott, Seibels, Smith, Starr, Trammell, Venable, Waggoner, Williams, Wilson, Wright and Zoghby.

—44

PERMISSION GRANTED

Permission was granted for the Journal to show that Mr. Speaker abstained from voting on the resolution, H. R. 401, due to a possible conflict of interest.

The question was then on the adoption of the amendment offered by Rep. Manley to the resolution, H. R. 401.

SUBSTITUTE OFFERED

Rep. Carothers offered the following substitute to the resolution, H. R. 401, and to the pending amendment, said substitute being as follows:

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That the following business in the order named be made the special, paramount and continuing order of business beginning July 13, 1983, taking precedence over any other business of the House.

Report of Standing Committees

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Uncontested Local Bills

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By Mr. Browder:

H. 544 p. 131 Crime Victims Compensation Commission

By Mr. Browder:

H. 478 p. 91 Restitution orders in criminal cases

By Mr. Campbell:

H. 764 p. 126 Environmental Management Agency

By Mr. Biddle:

H. 459 p. 75 Child support payments

By Mr. Wilson:

H. 465 p. 70 Time frame, court exhibits

By Mr. Rogers:

H. 553 p. 7-S Jefferson County, racing bill

By Ms. Kennedy:

H. 515 p. 82 Telephone communication bill

By Mr. Turner:

H. 481 p. 97 Abortion, parental consent

By Mr. Horn:

H. 416 p. 113 Registered voter lists

By Mr. Parsons:

S. 68 p. 113 Competitive bid law

By Mr. Carothers:

H. 143 p. 51 Hunter safety education

By Mr. Keener:

S. 109 p. 139 Liability of state employees

By Mr. Turnham:

H. 742 p. 118 Heating and Air Conditioning

By Mr. White (L):

H. 656 p. 124 Bad check bill

By Mr. Campbell:

H. 394 p. 63 Banks and branch banking

By Mr. Manley:

H. 512 p. 84 Territories for electric suppliers

By Mr. Sasser:

H. 491 p. 153 Recordation tax

By Mr. Sasser:

H. 490 p. 153 Fees for services, probate offices

MOTION TO TABLE LOST

The motion offered by Rep. Manley to table the substitute offered by Rep. Carothers to the resolution, H. R. 401, and to the pending amendment, was lost.

Yeas 41; Nays 49.

Yeas:

Reps.: Blake, Blakeney, Box, Campbell, Clikas, Coleman, Cosby, Faulk, Flowers, Gaston, Grouby, Hammett, Harvey, Holley, Johnson (A.L.), Johnson (Roy), Junkins, Kvalheim, Laird, Lauderdale, Layton, Lewis, Manley, Minus, Mitchell, Moore, Newman, Nicholson, Payne, Poole, Richardson, Smith, Starr, Trammell, Turnham, Waggoner, White (L), Williams, Wilson, Wright and Zoghby.

—41

Nays:

Reps.: Adams, Albright, Ashley, Bennett, Biddle, Boles, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Carothers, Casey, Clark, Coburn, Crow, Davis, Dutton, Escott, Ford, Freeeman, Goodwin, Hall, Harper, Hettinger, Horn, Howard, Johnson (R.G.), Kennedy, Langford, McKee, McMillan, Martin, Mathis, Melton, Parker, Penry, Rains, Rice, Rogers, Starkey, Thomas, Thornton, Tucker, Turner, Venable, Warren and White (F).

—49

SUBSTITUTE ADOPTED

The question was then on the adoption of the substitute offered by Rep. Carothers to the resolution, H. R. 401, and to the pending amendment, and the substitute was adopted.

Yeas 62; Nays 18.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Blakeney, Boles, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Carothers, Casey, Clark, Clikas, Coburn, Crow, Davis, Escott, Flowers, Ford, Freeman, Gaston, Goodwin, Grouby, Harper, Hettinger, Holmes, Horn, Howard, Johnson (R.G.), Johnson (Roy), Kennedy, Kvalheim, Laird, Langford, Layton, McKee, Mathis, Melton, Nicholson, Parker, Penry, Poole, Rains,

Rice, Richardson, Rogers, Smith, Starkey, Thomas, Thornton, Trammell, Tucker, Turner, Venable, Waggoner, Warren, White (F) and Wilson.

—62

Nays:

Reps.: Blake, Box, Coleman, Faulk, Hall, Hammett, Holley, Lauderdale, Lewis, McMillan, Manley, Mitchell, Moore, Newman, Payne, Turnham, Williams and Wright.

—18

And the resolution, H. R. 401, as thus amended, was adopted.

REQUESTING COMMITTEE ACTION

Pursuant to a Notice in Writing filed on the twenty-fifth legislative day, Rep. Turner requested the House to direct the Standing Committee on Ways and Means to act on the bill, H. 190, and report the same to the House.

REQUEST INDEFINITELY POSTPONED

On motion of Rep. Coburn, the request by Rep. Turner, was indefinitely postponed.

Yeas 43; Nays 34.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Boles, Bryant, Campbell, Carter, Casey, Coburn, Cosby, Davis, Drinkard, Dutton, Escott, Flowers, Ford, Goodwin, Grouby, Hall, Holley, Holmes, Horn, Howard, Johnson (Roy), Junkins, Langford, Lauderdale, Layton, Martin, Mathis, Moore, Nicholson, Parker, Poole, Preuitt, Rogers, Sasser, Smith, Trammell, Tucker, Venable and Waggoner.

—43

Nays:

Reps.: Blakeney, Box, Brooks, Buskey, Butler, Clark, Clikas, Coleman, Gaston, Grimsley, Hammett, Harper, Hettinger, Johnson (A.L.), Kennedy, Kvalheim, Laird, Lewis, McMillan, Melton, Murphy, Newman, Payne, Penry, Rice, Scott, Starkey, Starr, Turner, Warren, White (F), White (L), Wilson and Zoghby.

—34

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 112. To provide further for the procedure for redeeming lands sold for taxes in Escambia County; to transfer certain duties of the probate judge of such county relative to such redemptions to the tax collector of the county; to relieve the probate judge of such county of these duties; and to repeal conflicting laws.

Also:

H. 749. To authorize the Lee County Commission to provide protection of forests from fires, insects, disease and other pests within the county and to assess the whole or a part of the costs thereof, within a prescribed limit, against forest lands in the county and to prescribe the procedure for levying and collecting such assessments.

Also:

H. 818. Relating to Tallapoosa County; amending Act No. 79-565, S. 200, 1979 Regular Session, which provides for a pistol permit fee in the county, so as to provide further for said fee.

Also:

H. 830. Relating to Greene County; amending Section 1 of Act No. 376, H. 1040, Regular Session 1975 (Acts 1975, p. 926), relating to the creation, composition, appointment and terms of the Greene County Racing Commission, so as to provide that the Governor shall make such appointments and increases the term of office.

And finds same correctly enrolled.

JOHN S. CASEY,
Chairman.

SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 726. Proposing an amendment to the Constitution of Alabama levying a certain sales and use tax paralleling state sales and use taxes in Randolph County for public building purposes which shall be pledged to retire a bond or warrant issue for such purposes with such sales tax terminating upon such retirement and diverting a portion of certain ad valorem taxes now earmarked for the public road and bridge fund and the county hospital until such bond or warrant issue is retired.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Laird, the House concurred in and adopted the Senate amendment to the bill, H. 726, said Senate amendment being as follows:

A BILL
TO BE ENTITLED
AN ACT

To propose and provide for the submission of an amendment to the

Constitution of Alabama of 1901 authorizing and directing Randolph County under certain conditions (a) to levy privilege, license and excise taxes paralleling the state sales and use taxes at the rate of one-half of one percent on gross proceeds of businesses made subject to the said taxes, (b) to pay one-half of the proceeds of the special ad valorem tax authorized to be levied by Amendment 72 to the Constitution into a special fund established for such purpose, (c) to pay four-tenths of the road, bridge and public building ad valorem tax authorized by Section 215 of the Constitution, as amended, to be levied by the county into said special fund, and (d) to issue its bonds or warrants (which may but need not be general obligations of the County) not exceeding $1,500,000 in principal amount for the purpose of financing certain County Facilities (as defined herein), to be secured by a pledge of (i) the said privilege, license and excise taxes authorized and directed by this Amendment to be levied by Randolph County, (ii) one-half of the said special ad valorem tax, and (iii) four-tenths of the special ad valorem tax authorized by Section 215 of the Constitution; providing that none of the bonds or warrants shall be chargeable against the limitation on the indebtedness of Randolph County contained in Section 224 of the said Constitution and specifying certain details pertaining to the bonds or warrants; and providing that the provisions of Amendment 425 to the Constitution (providing for an alternate method of the submission of certain proposed Amendments) are inapplicable to this proposed Amendment.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama of 1901 is hereby proposed:

"(A) As used in this Amendment, the following terms shall be given the following respective meanings:

"County" means Randolph County, Alabama.

"County Facilities" means (a) any land, building, equipment and any other facility or facilities necessary or useful in the housing, confinement, detention, feeding, treatment, rehabilitation and training of persons held in lawful custody, and (b) any land, building, equipment or other facility useful as a county courthouse building.

"County Facilities Building Fund" means the County Facilities Building Fund established herein for the purpose of receiving certain tax receipts required by the provisions hereof to be paid therein.

"Existing Ad Valorem Tax" means the two and one-half mill special ad valorem tax authorized to be levied by the County pursuant to Section 215 of the Constitution.

"Securities" means any bonds or warrants, including refunding bonds or warrants, issued by the County under the provisions of this Amendment.

"Special Ad Valorem Tax" means the special county hospital ad valorem tax authorized to be levied by the County pursuant to Amendment No. 72 to the Constitution.

"Special Sales Tax" means the special County privilege, license and excise taxes authorized and directed by this Amendment to be levied by the County on those engaged in the business of selling tangible personal property at retail and conducting places of amusement in the County and paralleling the State sales and use taxes.

"Special Taxes" means the Special Ad Valorem Tax, the Special Sales

Tax, and the Existing Ad Valorem Tax.

(B) The County is hereby authorized and directed, within 60 days after the proclamation of the ratification of this Amendment, to levy and collect, or provide for the collection of special privilege, license and excise taxes on those engaged in the business of selling tangible personal property and conducting places of amusement in the County at the rate of one-half of one percent (0.5%) of the gross receipts of the businesses made subject to the Special Sales Tax, which tax shall, to the fullest extent possible, parallel the sales and use taxes levied by the State. All revenues derived by the County from the levy of the Special Sales Tax, less the cost of collection of such revenues not to exceed 5% thereof to be paid to the Department of Revenue, shall be paid into the County Facilities Building Fund. The County shall discontinue the levy of the Special Sales Tax when all of the Securities issued hereunder shall have been paid in full, or when the County shall have expended the sum of $1,500,000 out of the County Facilities Building Fund to pay costs of County Facilities, whichever shall last occur.

(C) The County is hereby authorized and directed (subject to prior pledges and agreements, if any) to pay, out of taxes collected each year, beginning with taxes collected with respect to the tax year that began October 1, 1982, one-half of the tax receipts derived from the levy of the Special Ad Valorem Tax into the County Facilities Building Fund. The County shall discontinue paying such tax receipts into the County Facilities Building Fund when all of the Securities issued hereunder have been paid in full, or when the County shall have expended the sum of $1,500,000 out of the County Facilities Building Fund to pay costs of County Facilities, whichever shall last occur.

(D) The County is hereby authorized and directed (subject to prior pledges and agreements, if any) to pay four-tenths of the tax receipts derived by the County from the levy of the Existing Ad Valorem Tax into the County Facilities Building Fund. The County shall discontinue paying such tax receipts into the County Facilities Building Fund when all of the Securities issued hereunder have been paid in full, or when the County shall have expended the sum of $1,500,000 out of the County Facilities Building Fund to pay costs of County Facilities, whichever shall last occur.

(E) The County is hereby authorized and directed to establish the County Facilities Building Fund for the purpose of receiving the moneys required to be paid therein by the provisions hereof. Funds on deposit in the County Facilities Building Fund shall be used to pay the costs of acquiring, providing, constructing and equipping new County Facilities, renovating, reconstructing, improving, enlarging or equipping any existing County Facilities or any combination thereof, up to an amount not exceeding $1,500,000, and to pay principal of and interest and premium, if any, on Securities issued hereunder to finance County Facilities.

(F) The County is hereby authorized to sell and issue from time to time its Securities, not exceeding $1,500,000 in aggregate principal amount, for the purpose of acquiring, providing, constructing and equipping new County Facilities, renovating, reconstructing, improving, enlarging or equipping any existing County Facilities or any combination thereof and to pledge for payment of the Securities the portions of the Special Taxes required to be paid into the County Facilities Building Fund.

For the purpose of refunding any Securities, including refunding Securities issued under the provisions of this Amendment, whether the refunding shall occur before, at or after the maturity of the Securities refunded and

for the purpose of paying all premiums and expenses of the refunding (including attorneys' fees, costs of printing the refunding Securities, fiscal agents' fees, and accountants' fees), the County is hereby authorized to sell and issue from time to time refunding Securities in an aggregate principal amount not exceeding the sum of (a) the outstanding principal amount of the Securities to be refunded, (b) the interest (accrued or to accrue) to the respective maturities of the Securities to be refunded, or if the Securities to be refunded are to be called for redemption, either on the earliest date on which under their terms they may be redeemed or some later date or dates, the interest (accrued or to accrue) on the Securities to be refunded to the date or dates on which they are to be called for redemption, (c) the amount of any redemption premium required, by the terms of the Securities, to be paid as a condition to their redemption prior to their respective maturities, and (d) the amount of any expenses (actual or estimated) of such refunding.

The Securities issued hereunder may but need not be general obligations of the County, but shall be secured by the portions of the Special Taxes pledged for their payment in the proceedings of the County whereunder the Securities are authorized to be issued and required to be paid into the County Facilities Building Fund.

All Securities issued under this Amendment may be in such form and denominations and of such tenor and maturities, may bear interest at such rate or rates, payable at such time or times, not exceeding thirty (30) years from their date, may be sold at public or private sale and may contain such provisions not inconsistent with this Amendment as shall be provided in the proceedings of the governing body of the County wherein such Securities are authorized to be issued. The power to levy the Special Sales Tax, to pay as required herein the portions of the Special Ad Valorem Tax and the Existing Ad Valorem Tax into the County Facilities Building Fund and the power to issue the Securities shall be in addition to all other powers which the County may have under this Constitution and the laws of Alabama. The indebtedness evidenced by the Securities issued under this Amendment shall be in addition to and shall not be charged against the limitation on the indebtedness of the County provided for in Section 224 of the Constitution.

(G) It is the intention hereof that the governing body of the County shall (a) levy the Special Sales Tax, and (b) pay one-half of the revenues from the Special Ad Valorem Tax and four-tenths of the revenues from the Existing Ad Valorem Tax (subject only to prior pledges of either thereof) as shall together be sufficient to provide funds to pay costs of County Facilities herein provided for, either directly or through payment of the principal of and interest (and premium, if any) on the Securities authorized to be issued hereunder, all to the end that adequate County Facilities will be available in the County. Proceeds of the Special Taxes that are not needed in any fiscal year to pay principal of and interest on Securities issued hereunder or to refund Securities shall be used to pay costs of constructing and maintaining the County Facilities herein provided for, or to purchase and retire Securities or call Securities for redemption prior to the maturity thereof.

(H) The provisions of this Amendment shall be self-executing, and authorization from or any other action by the Legislature shall not be a prerequisite to the issuance of the Securities hereunder or to the levy of the Special Taxes or the use of the proceeds of the Special Taxes as provided herein; provided, however, that the provisions of this Amendment shall not become operative unless approved by a majority of the qualified electors of Randolph County who vote thereon at a referendum election held for such purpose upon the call of the Randolph County Commission, and provided

further, that if this amendment is approved by the qualified electors of Randolph County who vote thereon upon its submission, such election shall constitute a referendum held for such purpose and no further election need be called.

(I) It is hereby specifically declared that this Amendment is not being proposed pursuant to the provisions of that certain amendment to the Constitution (known as Amendment No. 425) that was proposed by Act No. 82-330 adopted at the 1982 Regular Session of the Legislature of Alabama, and provisions of the said Amendment 425 are hereby declared to be inapplicable.

Section 2. An election upon the proposed amendment is ordered to be held at the first statewide primary, general or special election after the expiration of three (3) months from the final adjournment of the session of the Legislature at which this bill is enacted. The election shall be held in accordance with the provisions of Section 284, as amended, and Section 285 of the Constitution of Alabama of 1901 and Title 17, Chapter 17, Code of Alabama of 1975.

Section 3. Notice of the election on the proposed amendment shall be given by proclamation of the Governor published in every county in the state for four successive weeks next preceding the day herein appointed, in a newspaper published in each such county; provided that in any county in which there may be no newspaper published, the proclamation shall be published by posting, for a period of not less than four consecutive weeks next preceding the day so appointed, a copy of the said proclamation at each courthouse in the said county. A newspaper shall be deemed to be published in a county, within the meaning of this section, if its principal editorial office is located in that county.

Yeas 81; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Blake, Blakeney, Bowling, Box, Brooks, Browder, Bryant, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, McMillan, Martin, Mathis, Melton, Minus, Moore, Murphy, Newman, Nicholson, Parker, Penry, Poole, Preuitt, Rains, Rice, Richardson, Rogers, Scott, Smith, Starkey, Starr, Thomas, Trammell, Turner, Venable, Waggoner, White (F), White (L), Williams, Wilson and Zoghby.

—81

And the bill:

H. 726. To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901 authorizing and directing Randolph County under certain conditions (a) to levy privilege, license and excise taxes paralleling the state sales and use taxes at the rate of one-half of one percent on gross proceeds of businesses made subject to the said taxes, (b) to pay one-half of the proceeds of the special ad valorem tax authorized to be levied by Amendment 72 to the Constitution into a special fund established for such purpose, (c) to pay four-tenths of the road, bridge and public building ad valorem tax authorized by Section 215 of the Constitution, as

amended, to be levied by the county into said special fund, and (d) to issue its bonds or warrants (which may but need not be general obligations of the County) not exceeding $1,500,000 in principal amount for the purpose of financing certain County Facilities (as defined herein), to be secured by a pledge of (i) the said privilege, license and excise taxes authorized and directed by this Amendment to be levied by Randolph County, (ii) one-half of the said special ad valorem tax, and (iii) four-tenths of the special ad valorem tax authorized by Section 215 of the Constitution; providing that none of the bonds or warrants shall be chargeable against the limitation on the indebtedness of Randolph County contained in Section 224 of the said Constitution and specifying certain details pertaining to the bonds or warrants; and providing that the provisions of Amendment 425 to the Constitution (providing for an alternate method of the submission of certain proposed Amendments) are inapplicable to this proposed Amendment.

As thus amended, was again read at length and passed.

Yeas 79; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Biddle, Blake, Blakeney, Bowling, Box, Brooks, Browder, Bryant, Butler, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Gaston, Goodwin, Grimsley, Grouby, Hammett, Harvey, Hettinger, Holley, Holmes, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, McKee, McMillan, Martin, Mathis, Melton, Mitchell, Moore, Murphy, Newman, Nicholson, Parker, Penry, Poole, Preuitt, Rains, Rice, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Trammell, Turnham, Venable, Waggoner, White (F), White (L), Williams, Wilson, Wright and Zoghby.

—79

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 246. To provide that a Restitution Order in a criminal case be a Final Judgment and have all of the force and effect of a Final Judgment in a civil action under the laws of the State of Alabama; to provide that the victim of a crime to whose benefit restitution is ordered, or anyone acting on behalf of said victim, shall have all of the rights and remedies granted a plaintiff in a civil action under the laws of this state together with any other right or remedy pertaining to restitution orders in criminal codes.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Casey, the House concurred in and adopted the Senate amendment to the bill, H. 246, said Senate amendment being as follows:

Amend House Bill 246, Page 2, Section 3, Line 9, after the word "are" by striking the word ~~not~~.

Yeas 74; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Biddle, Blake, Blakeney, Bowling, Box, Brooks, Browder, Bryant, Butler, Campbell, Carothers, Casey, Clark, Clikas, Coburn, Coleman, Davis, Escott, Flowers, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harvey, Holley, Holmes, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kvalheim, Laird, Langford, Lauderdale, Layton, McKee, McMillan, Manley, Mathis, Melton, Moore, Murphy, Newman, Nicholson, Parker, Penry, Poole, Preuitt, Rains, Rice, Richardson, Rogers, Scott, Smith, Starkey, Starr, Thomas, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, White (L), Williams, Wilson and Zoghby.

—74

And the bill, H. 246 as thus amended, was again read at length and passed.

Yeas 79; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Biddle, Blake, Blakeney, Bowling, Box, Browder, Bryant, Butler, Campbell, Carothers, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Gaston, Goodwin, Grimsley, Grouby, Hammett, Holley, Holmes, Horn, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, Martin, Mathis, Melton, Moore, Murphy, Newman, Nicholson, Parker, Penry, Poole, Preuitt, Rains, Rice, Richardson, Rogers, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Trammell, Turner, Turnham, Venable, Waggoner, White (F), White (L), Williams, Wilson, Wright and Zoghby.

—79

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Senator Barron:

S. 276. To amend Sections 9-11-55 and 9-11-56 of the Code of Alabama 1975, which provides for nonresident annual and trip fishing licenses, so as to provide further for the fees for such licenses.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 276. Natural Resources.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and

ordered same sent forthwith to the House without engrossment:

By Senators Corbett, Parsons, Dixon, Harrison, Little, Cooley, Bishop, Teague, Barron, Holmes, Figures, Covington, Denton, Kirkland, Goodwin, Pearson, Cabaniss, Mitchell, Foshee, Bedsole, and Aldridge:

S. 337. To provide for the use of blue reflective markers, of varying types, for the purpose of indicating the location of fire/water hydrants along public roads.

Also:

By Senator Keener:

S. 348. To amend Section 12-21-8, Code of Alabama 1975, so as to provide further for the disposition of exhibits offered in evidence in criminal and civil cases; to provide that exhibits offered in evidence in civil cases may be withdrawn by the offering party after final disposition of the case; to provide that any civil exhibits not withdrawn by the owner or offering party may be disposed of by the clerk with the court's approval on or after the expiration of one year from the final disposition of the case; to provide that any civil exhibits not withdrawn by the offering party or owner after three years from final disposition are deemed abandoned and may be disposed of in the clerk's own discretion; to provide that contraband, including controlled substances and firearms, offered in evidence in criminal cases shall be condemned or forfeited and disposed of in accordance with specific statutes relating to their forfeiture; to provide further, that any such controlled substances not forfeited, for whatever reason, shall be destroyed by the clerk with the approval of the presiding circuit judge following the conclusion of the case; to provide that other contraband, including firearms, not so forfeited shall be destroyed in like manner as controlled substances, but only after the expiration of one year from the final disposition of the case, as such term is defined in this Act; to provide that destruction of contraband shall be witnessed as provided in this Act; to provide that other exhibits offered in evidence in criminal cases which are not contraband may be released to the owner or otherwise disposed of as exhibits in civil cases, all as provided in this Act; to provide that receipts must be given for any exhibits not destroyed; and, to provide for notice to the offering party or the owner of his right to claim exhibits prior to their disposition as provided herein.

Also:

By Senator Parsons:

S. 199. Relating to the regulation, registration and licensing of certain persons engaged in the business of buying gold or silver or gold or silver objects; providing for exemptions; and providing penalties for the violations.

Also:

By Senators Foshee, Kirkland, and Covington:

S. 289. To provide for and regulate through licensure and registration the business of selling or leasing of timesharing vacation facilities; to place certain duties on the Real Estate Commission and the Attorney General or the District Attorney of any county of the State of Alabama; and to provide penalties for violations of this act or rules, regulations, and orders issued under the authority thereof.

Also:

By Senators Bachus, Dixon, Bailey, Harrison, Bedsole, Covington, Denton, Parsons, Cooley, Foshee, Menton, Smith (B), and Boyington:

S. 517. To amend Section 13A-6-45, Code of Alabama 1975, relating to interference of child custody, so as to prohibit said interference by certain relatives in certain instances and to increase criminal penalties.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 337. Highway Safety.

S. 348. Judiciary.

S. 199. State Administration.

S. 289. State Administration.

S. 517. Judiciary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Senator deGraffenried:

S. 140. To further amend "The Alabama Business Corporation Act", so as to clarify certain portions of said Act by amending Sections 10-2A-2, 10-2A-26, 10-2A-41, 10-2A-66, 10-2A-79, 10-2A-93, 10-2A-114, 10-2A-117, 10-2A-180, 10-2A-191, 10-2A-192, 10-2A-193, 10-2A-194, 10-2A-195, 10-2A-201, 10-2A-203, 10-2A-232, 10-2A-246, 10-2A-281, 10-2A-301, 10-2A-302, 10-2A-308, and 10-2A-337.

Also:

By Senator Mitchell:

S. 191. To amend Section 31-2-89, Code of Alabama 1975, which bars actions or proceedings against members of the national guard for acts done in the discharge of military duty, so as to provide for conditions under which indemnification by the state shall be available to such persons.

Also:

By Senator Mitchell:

S. 192. To amend Section 31-2-90, Code of Alabama 1975, which provides for appointment of defense counsel in actions against members of the national guard, so as to make such counsel available at state expense, from the regular or special appropriations for the maintenance of the national guard or the general fund, in the discretion of the governor, when the adjutant general determines that a member of the national guard acted reasonably or in his official capacity in the discharge of any duty under the military code.

Also:

By Senator Smith (J):

S. 107. To amend Section 22-50-22, Code of Alabama 1975, which section exempts the superintendent of the mental health board and physicians from state mental facilities from being a witness in certain cases, so as to permit depositions to be taken by the state of such persons in criminal proceedings, upon such notice as is consistent with the Alabama Rules of Civil Procedure.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 140. Small Business.

S. 191. Military Affairs.

S. 192. Military Affairs.

S. 107. Judiciary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Senator Menton (With Notice and Proof):

S. 377. Relating to Mobile County; providing that the operation of bingo games for prizes or money only by qualified organizations for bona fide charitable, educational, or other lawful purposes shall be legal in Mobile County; providing for permits or licenses, applications, forms and contents to operate bingo, providing for special permits or licenses, prohibiting certain activities and imposing special requirements; providing for fees and expenses; providing for the disposition of proceeds; providing for the operation of bingo; providing for the keeping of records and their inspection; providing for the issuance and revocation of permits or licenses; providing for supervision by the circuit court; providing for certain powers and duties of the sheriff; providing for penalties and forfeitures; and providing that this Act shall become effective upon the adoption of an amendment to the Constitution of Alabama authorizing bingo in Mobile County, and approved at a referendum on the subject in the county; provided, however, if said amendment is approved by a majority of the voters casting ballots thereon in Mobile County, no further referendum is needed.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 377 AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY.

Also:

By Senator Menton (With Notice and Proof):

S. 378. To propose an amendment to the Constitution of Alabama of 1901, to legalize the operation of bingo games for prizes or money by certain nonprofit organizations for charitable or educational purposes in Mobile County; and to provide that the provisions of this amendment shall be self-executing.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 378 AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY.

Also:

By Senator Keener (With Notice and Proof):

S. 503. Relating to Etowah County; providing for a county advisory referendum on the question if the superintendent of education shall be elected or appointed; providing for the conduct and holding of such election, and repealing the provisions of any acts which are in conflict with this act.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S.B. 503 AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 377. Local Legislation No. 3.

SENATE MESSAGE

The Senate Bill, S. 378, the title of which is set out in the above and foregoing Message from the Senate, was read a first time at length as required by the Constitution, and referred to the Standing Committee on Local Legislation No. 3.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 503. Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Senator deGraffenried:

S. 116. To require that group, individual, or blanket hospital or medical expense insurance policies or hospital or medical service contracts, issued for delivery in this state, which include mental health services in the terms of the policies or contracts, shall include reimbursement for services rendered by a duly qualified counselor of this state.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 116. Health.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Senator Smith (J):

S. 153. To amend Sections 13A-12-170 and 13A-12-171, Code of Alabama 1975, relating to the display and distribution of pornography to minors, in order to further define and prohibit the display, distribution and exhibition of pornography to minors; to specify the cases these amendments apply to; to provide that the provisions of this act are severable, and to provide an effective date.

Also:

By Senator Teague:

S. 443. To amend Sections 41-16-51 and 41-16-57, Code of Alabama 1975, as amended, so as to exempt from the requirements of competitive bidding, and to exempt from the limitations on the maximum duration of contracts for the purchase of personal property or contractual services, any agreement, heretofore or hereafter entered into, between any governmental entity or instrumentality thereof, whose contracts are governed by the provisions of Title 41, Chapter 16, Article 3 of Code of Alabama 1975, as amended, and any other party or parties pursuant to which such other party or parties shall provide water, sewer, sewage treatment, sewage disposal, solid waste disposal, resource recovery, wastewater treatment, pollution control or jail or criminal detention services to or for the benefit of such governmental entity or instrumentality under circumstances in which such other party shall provide facilities used in the provision of such services to or for the benefit of such governmental entity or instrumentality in lieu of provision of such facilities by such governmental entity or instrumentality; and to clarify the exemption relating to the expenditure of funds by utility systems for supplies or materials.

Also:

By Senator Kirkland:

S. 438. To amend Section 13A-11-74, Code of Alabama 1975, relating to possession of unlicensed concealed weapons, so as to permit district at-

torneys and assistant district attorneys to carry said weapons.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 153. Judiciary.

S. 443. Local Government.

S. 438. Judiciary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Senator deGraffenried:

S. 508. To amend Section 8-6-3, Code of Alabama 1975, relating to broker-dealers to provide further for the regulation of brokers and dealers.

Also:

By Senator Smith (J):

S. 21. To amend Section 13A-7-1, Code of Alabama 1975, which provides for the definitions relating to the crimes of burglary and criminal trespass, so as to provide further for said definitions.

Also:

By Senator Smith (J):

S. 22. To amend Section 9-13-11, Code of Alabama 1975, which relates to the willful and malicious burning of woodlands, so as to provide further for the definition of paraphernalia used in arson.

Also:

By Senator Teague:

S. 491. To require that group, individual, or blanket hospital or medical expense insurance policies or hospital or medical service contracts issued for delivery in this State which include mental services in the terms of the policies or contracts, shall include reimbursement for services rendered by a duly qualified certified clinical social worker of this State notwithstanding any provisions of the policies or contracts to the contrary.

Also:

By Senators Figures, Smith (B), and Cabaniss:

S. 362. To amend Sections 41-7-1 and 41-7-5, Code of Alabama 1975, which established the bureau of publicity and information, so as to change the name to the bureau of tourism and travel.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 508. Judiciary.

S. 21. Judiciary.

S. 22. Judiciary.

S. 491. Insurance.

S. 362. State Administration.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Senator Smith (J):

S. 158. To prohibit the acts of shooting or discharging a firearm, explosive or other weapon which discharges a dangerous projectile into any occupied or unoccupied dwelling or building or railroad locomotive or railroad car, aircraft, automobile, truck or watercraft and to prescribe felony punishment for such acts.

Also:

By Senator deGraffenried:

S. 532. To amend Sections 40-17-130, 40-17-131 and 40-17-132 of the State of Alabama 1975, relating to gasohol so as to define the term "alcohol blended fuel" and provide for said motor fuel the same tax exemptions extended to gasohol.

Also:

By Senators Boyington, Menton, Bedsole, and Figures:

S. 330. To permit, upon proper application and approval by the adjutant general of the Alabama National Guard, any eligible veteran to have a ceremonial funeral with honor guard furnished by the Alabama National Guard personnel.

Also:

By Senators Boyington and Dixon:

S. 259. To amend Section 31-6-4, Code of Alabama 1975, which provides for educational benefits for children of deceased or disabled veterans, so as to provide further for the definition of disabled veterans.

Also:

By Senators Boyington and Covington:

S. 364. To amend Section 32-6-130 of the Code of Alabama 1975, relating to special license plates for certain disabled veterans, so as to exempt motor vehicles qualifying for such plates from ad valorem taxes.

Also:

By Senators Bedsole and Menton:

S. 57. To exempt from all state, county, local or other ad valorem taxes all property owned and used by the Mobile Area Chamber of Commerce Foundation, Inc.

Also:

By Senator Parsons:

S. 455. To provide for the enactment of the Alabama Uniform Parentage Act, creating a civil cause of action in the courts of this state for the determination of paternity for the purposes of support and other reasons; to provide for the definition of the parent and child relationship and methods for the establishment of said relationship; to provide for a presumption of paternity; to provide for the jurisdiction of actions to determine paternity and support under this Act in those courts exercising jurisdiction over juvenile proceedings; to provide for the venue and service of process in said proceedings; to provide for the determination of the existence or non-existence of the father and child relationship and when and by whom these actions may be brought; to specifically provide that applicable sections of the Criminal Code shall remain available for the enforcement of a child's right to support; to provide for court-ordered blood tests, the selection of expert witnesses and evidence relating to paternity and the admissibility of such evidence; to provide for court orders determining paternity and the payment of support and the enforcement of such orders by the mother, the child or public authorities furnishing expenses and support; to provide that written agreements for support shall be enforceable by the courts; to provide that any party may be represented by an attorney and that the district attorney, special prosecutor and other attorney authorized to represent the State of Alabama shall prosecute all proceedings under this Act; to provide a statute of limitation for paternity action under this act; to provide that any interested party may also bring an action to determine the existence or non-existence of the mother and child relationship; to provide for the issuance of a new birth certificate upon a determination of paternity; to further provide for the appeal of judgments rendered pursuant to this Act to the circuit court for a trial de novo and by a jury, if demanded; and to specifically repeal Sections 26-12-1 through 26-12-9, Code of Alabama 1975.

Also:

By Senator Menton:

S. 472. To amend Sections 11-88-8 and 11-88-50 of Chapter 88 of Title 11 of the Code of Alabama 1975 to clarify and expand the content of the term "revenues", to make clear that the costs which may be assessed by those authorities having the power to assess include expenses of issuance of bonds, including fees, charges or premiums on policies of bond insurance or letters of credit obtained in connection with bonds issued by an authority under the said Chapter, to amend Section 11-88-79 relating to assessments so as to provide for interests on the unpaid balance at the rate of eight percent per annum on the unpaid balance of any assessment if no bonds have been issued to finance the improvements which are the subject of such assessment, or at a rate which is one percent per annum in excess of the net interest rate on such bonds (as herein determined) if such bonds have been issued to finance such costs, and to amend Section 11-88-12 to state the criteria that may be used in fixing sewer rates and charges.

Also:

By Senators Smith (B), Bishop, Pearson, Little, Bedsole, Cabaniss, Holmes, Harrison, Smith (J), Denton, Dixon, Bachus, Keener, Robertson, Goodwin, Covington, Aldridge, and Bedford:

S. 505. To provide further for economic development of the state; to regulate further employment in the Alabama development office and the duties of such office; to establish the Alabama Economic Development Board, which shall be in lieu of any advisory committee or council, heretofore established by the governor under authority of Section 41-9-203, Code of Alabama 1975, and which board shall advise and assist the governor, the legislature and the Alabama development office in areas of public policy related to economic development; to provide for the appointment, term of service and compensation of members of such board and to prescribe the powers, duties and functions thereof; to direct the Alabama development office to provide staff and logistical support for such board; and, for such purposes, amending Sections 41-9-201, 41-9-202, 41-9-203, Code of Alabama 1975.

Also:

By Senator Little:

S. 145. To amend Section 28-6-1, Code of Alabama 1975, which provides for the definition of a native farm winery, so as to provide further for said definition.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 158. Judiciary.

S. 532. Ways and Means.

S. 330. Military Affairs.

S. 259. Military Affairs.

S. 364. Ways and Means.

S. 57. Ways and Means.

S. 455. Judiciary.

S. 472. Ways and Means.

S. 505. Commerce and Industrial Development.

S. 145. Small Business.

REQUESTING COMMITTEE ACTION

Pursuant to the Notice in Writing filed on the twenty-fifth legislative day, Rep. Harper requested the House to direct the Standing Committee on Ways and Means to act on the bill, H. 69, and to report same to the House.

MOTION TO INDEFINITELY POSTPONE LOST

The motion offered by Rep. Coburn to indefinitely postpone the request of Rep. Turner, was lost.

Yeas 28; Nays 32.

Yeas:

Mr. Speaker, Adams, Ashley, Blake, Bowling, Brakefield, Bryant, Casey, Coburn, Crow, Escott, Goodwin, Holley, Howard, Johnson (Roy), Junkins, Langford, Lauderdale, Manley, Mathis, Nicholson, Poole, Richardson, Sasser, Smith, Trammell, Tucker and Venable.

—28

Nays:

Reps.: Box, Brooks, Buskey, Clark, Clikas, Coleman, Cosby, Gaston, Hammett, Harper, Johnson (A.L.), Kennedy, Kvalheim, Lewis, McMillan, Melton, Mitchell, Murphy, Newman, Payne, Penry, Rice, Scott, Seibels, Starkey, Thomas, Turner, Warren, White (F), White (L), Wilson and Zoghby.

—32

REQUEST TABLED

The question was again on the request of Rep. Harper that the Speaker direct the Standing Committee on Ways and Means to act on the bill, H. 69, and report same to the House, and on motion of Rep. Johnson (Roy), the request was tabled.

Yeas 54; Nays 23.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Bryant, Butler, Carter, Casey, Coburn, Coleman, Cosby, Crow, Davis, Drinkard, Dutton, Flowers, Ford, Goodwin, Grimsley, Hall, Harvey, Holley, Holmes, Howard, Johnson (Roy), Junkins, Langford, Lauderdale, Layton, McKee, Manley, Martin, Mathis, Minus, Moore, Nicholson, Parker, Poole, Preuitt, Richardson, Sasser, Smith, Stout, Trammell, Tucker, Venable, Warren and White (F).

—54

Nays:

Reps.: Box, Brooks, Buskey, Clark, Clikas, Gaston, Hammett, Harper, Kennedy, Kvalheim, Lewis, McMillan, Murphy, Newman, Payne, Penry, Rice, Scott, Seibels, Starkey, Turner, White (L) and Zoghby.

—23

BILLS ON SECOND READING

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 476. To amend § 36-30-2, Code of Alabama 1975, so as to raise the compensation amount from $10,000.00 to $20,000.00 paid to dependents of peace officers or firemen killed in the performance of duty.

H. 558. To amend Section 12-17-61, Code of Alabama 1975, relating to the judicial districts and the number of district court judges, so as to provide that Cleburne County shall constitute a judicial district; to provide that the three district judges now presently serving both Calhoun and Cleburne Counties shall serve only in Calhoun County; to provide for a district judge to serve Cleburne County; to provide for the time of establishment of such additional judgeship and for the appointment and election of such additional judge; and to make an appropriation.

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 682. (With Amendment): To amend § 12-18-110 of the Code of Alabama 1975 to provide for the purchase of withdrawn or terminated service in the Teachers' Retirement System of Alabama or the Employees' Retirement System of Alabama by members of the Judicial Retirement Fund and to provide credit therefor under the Judicial Retirement Fund. To provide a method of calculation for the cost of service purchased under this act and to provide a time limitation for service purchased under this act.

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 751. To amend Section 41-9-74, Code of Alabama 1975, as amended, to include the director of the department of public safety, assistant director of the department of public safety and other officers, employees, and agents of the department of public safety.

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 425. (With Amendment): To amend Section 16-40-5.2 Code of Alabama 1975 as last amended so as to provide that a driver education teacher who secures a higher level of certification than the Bachelor Degree level shall be paid at the higher salary level regardless of when the advance degree is secured.

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 895. To authorize the State Industrial Development Authority to sell and issue from time to time its bonds not exceeding $6,000,000 in principal amount in addition to those heretofore authorized to be issued by it; to prescribe certain additional powers and duties of the Authority, including (a) the power to make grants from the proceeds of the said additional bonds to counties, municipalities, and local industrial development boards, subject to certain limitations, for the purposes of making certain local surveys incidental to industrial development and to grade and drain industrial sites and the means of access thereto and (b) the power to establish a revolving loan

fund of up to $3,000,000 from the proceeds of the said additional bonds, and to make loans from such fund to local industrial development boards, subject to certain limitations, for the purpose of encouraging construction of buildings for industrial development purposes, with such loans to be made on a participating basis and to be repaid by any recipient board upon entry into a lease or sale of any such building; to provide that the Authority may issue and sell such bonds for the purpose of making the said grants and loans; to provide for the execution, form and terms of such bonds and for the terms of sale thereof; to provide that such bonds and the income therefrom shall be exempt from taxation, that such bonds may be used to secure deposits of funds of the state and its political subdivisions, instrumentalities and agencies, shall be legal for investment of fiduciary funds and funds of the Teachers' Retirement System of Alabama, the Employees' Retirement System of Alabama, and the State Insurance Fund, and shall not create an obligation or debt of the state; to provide for the deposit, investment and disposition of the proceeds of the sale of the bonds of the Authority; to make an appropriation and pledge of funds from the special tax levied by Sections 40-25-2 and 40-25-23, Code of Alabama 1975, to the extent necessary to pay the principal of and interest on bonds of the Authority; to authorize the Authority to pledge the funds so appropriated for the payment of the principal of and interest on its bonds; to provide that such principal and interest shall be payable solely from the funds so appropriated; and to provide that the state treasurer shall be the custodian of the funds of the Authority.

H. 903. To amend Section 40-25-23, Code of Alabama 1975, so as to reallocate a portion of the revenues derived from the taxes levied upon cigarettes authorized by Sections 40-25-2 and 40-25-41, Code of Alabama 1975 and to appropriate so much of these revenues as may be necessary for the retirement of additional bonds of the State Industrial Development Authority not exceeding $6,000,000 in aggregate principal amount.

H. 768. To amend section 16-33-4, Code of Alabama 1975, relating to the Educational Benefits for Dependants of Blind Parents so as to eliminate the family income monetary restrictions used to determine the dependents' eligibility for nonpayment of instructional tuition or fees.

H. 97. To amend Section 16-1-18, Code of Alabama 1975, relating to school bus drivers and certain full-time support personnel employed by the boards of control of city and county school systems and the Alabama Institute for Deaf and Blind, so as to provide further for the maximum accumulated days not utilized or being paid for sick leave.

H. 787. To amend Sections 41-9-340, 41-9-343, 41-9-347 and 41-9-355, Code of Alabama 1975, relating to the USS Alabama Battleship Commission, so as to provide for the vacation of office by a member for failure to attend meetings, to increase the monetary limits for which a contract may be executed, to provide that said park shall honor all who participated in military defense of our nation and to forgive certain debts owed by the Commission to the Alabama State Docks.

S. 69. To amend Sections 36-7-20 and 36-7-22 of the Code of Alabama 1975 so as to further provide for the per diem allowance and mileage allowance for persons traveling on state business.

S. 189. To amend Section 29-4-49, Code of Alabama 1975, which provides for the employment of legislative employees for the finance and taxation committee and the ways and means committee, so as to provide further for said employees.

S. 385. To make a supplemental appropriation from the general fund in the state treasury to the office of the secretary of state for the fiscal year ending September 30, 1983.

S. 83. To amend Section 36-7-40 of the Code of Alabama 1975 so as to further provide for the reimbursement of state employees for moving expenses.

S. 227. To create a preretirement death benefit program which shall be effective to all employees covered under the Teachers' Retirement System of Alabama and the Employees' Retirement System of Alabama and to provide for the administration thereof. To give the boards of control authority to provide said death benefit in the form of group life insurance upon determination that to do so would generate a more favorable tax treatment to the beneficiaries to whom said benefit is payable, and to provide for the implementation of said program. To further provide and define the corporate powers and status of the Teachers' Retirement System and the Employees' Retirement System.

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

S. 233. (With Amendment): To provide that teachers and principals in each school shall develop a plan for the expenditure of instructional materials and supply funds and to provide that such funds shall be allocated to the individual schools in each county and city by the board of education.

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 63. To amend Section 11-50-411 of the Code of Alabama 1975 so as to provide further for the computation and disposition of the net income of gas districts incorporated pursuant to Article 12 of Chapter 50 of Title 11 of the Code of Alabama 1975, as amended.

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

S. 450. (With Amendment): To amend Section 40-7-21, Code of Alabama 1975, which relates to the time for making property assessments, so as specifically to authorize the county tax assessors to accept applications for homestead exemptions between January 1 and September 30 of each taxable year, with the assessment and homestead exemption to become effective on the following October 1.

The above bill was read a second time at length as required by the Constitution.

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, with amendments, and it was read a second time and placed on the Calendar, to-wit:

S. 95. (With Substitute) (With Amendments): To make a supplemental appropriation from certain unappropriated and undesignated moneys, derived by the state from certain royalties of oil and gas, land and other hydrocarbon mineral leases, to certain state universities for capital outlay projects, from the general fund of the state treasury.

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 207. To provide for the payment by any gas system operated by any investor-owned company, county, municipality, or public gas district which comes under the supervision of the Alabama Public Service Commission for the purpose of enforcing the Natural Gas Pipeline Safety requirements of Section 37-4-80, et sequence, Code of Alabama 1975 of a fee of $.50 per active service line per year for each active service line in said system.

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report with substitute, with amendment, and it was read a second time and placed on the Calendar, to-wit:

S. 208. (With Substitute) (With Amendment): To amend Section 37-3-32, Code of Alabama 1975, to increase registration fees of motor carriers operating over the state highways; to provide for the disposition of such fees to the public service commission, to the motor carrier fund, and to the state road and bridge fund; and to provide for reciprocity agreements with other states regarding payment of said fees.

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 239. To provide further for the expenses of the president and associate commissioners of the Alabama Public Service Commission.

H. 551. To appropriate to the State Board of Chiropractic Examiners from its separate fund in the General Fund of the State Treasury $10,000 for the purpose of the general operation of that Board for the fiscal year ending September 30, 1983 in addition to any and all other appropriations heretofore or hereafter made to the Board of Chiropractic Examiners; and to provide for an effective date.

H. 852. To amend Section 36-27-43, Code of Alabama 1975, so as to reopen the state employees' retirement system for certain school bus drivers, mechanics or maintenance workers.

Rep. Langford, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 822. To provide for a time period within which legal actions against architects, contractors, builders, engineers and others may be brought.

H. 915. To amend Section 32-8-87 of the Code of Alabama 1975, relat-

ing to the motor vehicle antitheft laws, so as to correct an editorial error appearing in subsection (e) of such section by making such subsection read as it does in enrolled Act No. 765 of the 1973 Regular Legislative Session from which it was codified.

Rep. Langford, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 543. (With Amendment): To provide that any income, assets or financial benefits to which a convicted felon is entitled as a result of a publication of any oral or written communication concerning such felon's criminal offense, be used for the welfare of indigent victims of crime, and to provide for the seizure and forfeiture of such income, assets or financial benefits and the disbursement thereof.

Rep. Langford, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 894. To amend Section 43-2-42 of the Code of Alabama 1975, which relates to the order of preference in the right to administer an intestate's estate, so as to provide further for the order of granting said right of administration in counties where the general administrator is elected by vote of the people.

S. 468. To provide a statement of public policy and legislative intent underlying its enactment; to provide that the measure of damages in any civil action for the unauthorized extraction, severance, injury or removal of coal from land performed in good faith shall be the fair market value of the coal in place before severance as of the time of extraction, severance, injury or removal; to provide that the measure of damages in all other civil actions for the unauthorized extraction, severance, injury or removal of coal shall be the fair market value of the coal after severance, at the time and place of severance, without allowance for labor and expenses; to provide for its retroactive application; to provide for the severability of the provisions of this Act; and to provide for the manner in which it shall become law.

H. 48. To require the state to give certain notice prior to the initiation of any type of a state project which could affect property values; to provide that contracts let without the proper notice being met shall be void and to provide for criminal penalties for violating this act.

Rep. Blake, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 435. To amend Act No. 81-1183, H. 71, 1983 3rd Special Session, which implements Amendment No. 394 to the Constitution of Alabama of 1901, providing for the Alabama Heritage Trust Fund, so as to provide further for the renovation and restoration of buildings in the main governmental complex.

S. 102. To further provide for payroll deductions for state employees.

S. 248. To amend Section 36-29-2, Code of Alabama 1975, which creates the state employees' insurance board, so as to provide further for membership on the board.

H. 868. To amend Section 12-15-6, Code of Alabama 1975, so as to specifically provide that a juvenile court judge may delegate authority to perform certain judicial and quasi-judicial actions to the juvenile court referee in the absence of the juvenile court judge or at any time that the judge feels such delegation to be necessary to the efficient operation of the court and to provide an effective date.

S. 46. To change the name of the Civil Defense Department to the State of Alabama Emergency Management Agency.

S. 106. To amend Sections 41-16-50 and 41-16-51, Code of Alabama 1975, relating to the expenditure of public funds for leases and relating to the expenditure of funds by utility systems for supplies or materials; to establish an effective date.

S. 104. To amend Section 36-1-4.1, Code of Alabama 1975, relating to definitions of charitable organizations for which public officers and employees may authorize contributions through payroll deductions, so as to provide further therefor.

H. 901. To amend Chapter 7 of Title 32 of the Code of Alabama 1975 commonly known as the Motor Vehicle Safety-Responsibility Act by amending Sections 32-7-5, 32-7-6, 32-7-16, and 32-7-23 thereof so as to increase the amount of property damage which must be sustained to require an accident report to be filed and to provide what the term "uninsured motor vehicle" shall include under the uninsured motorist coverage section of the Motor Vehicle Safety-Responsibility Act, increases the amount of payment on judgments necessary to satisfy the requirements of the Motor Vehicle Safety-Responsibility Act, and to increase the minimum amount of liability required under a motor vehicle liability policy under the Motor Vehicle Safety-Responsibility Act.

S. 446. To amend Section 41-1-6, Code of Alabama 1975, relating to inventory of certain personal property by state agencies and departments, so as to provide for an annual inventory.

S. 447. To amend Sections 36-16-8 and 36-16-11, Code of Alabama 1975, so as to further regulate the submission of inventory to the state auditor and the conducting of inventory.

S. 444. To amend Section 37-1-88 of the Code of Alabama 1975, relating to the right of a party to be heard in public service commission hearings, proceedings and investigations, so as to provide further for a party to be heard through a duly authorized person other than an attorney-at-law in such commission meetings.

S. 305. To amend Section 41-19-10 of the Code of Alabama 1975, relating to operation plans or budget management by state agencies/departments generally, so as to provide further for such budget management.

H. 794. To authorize the Director of the Department of Public Safety to enter into and carry out the provisions of the Nonresident Violator Compact of 1977, a compact which provides nonresident motorists receiving a traffic citation in a participating state the opportunity to receive the same privileges and sanctions offered to resident motorists; it provides definitions and exceptions.

S. 466. To amend Code of Alabama 1975, Section 9-16-93(f) which places jurisdiction in the District Courts of the State by placing jurisdiction in the Circuit Courts of the State; to amend Section 9-16-94(a) which provides for mandatory assessment of civil penalties upon the issuance of ces-

sation orders under Section 9-16-96(a) to correctly read Section 9-16-93(a); to amend Section 9-16-95(f) by providing for reasonable attorney and expert witness fees; to amend Section 9-16-99(2) which provides for waiver of certain requirements of this Article on surface mining areas affecting two acres or less; and to amend Section 9-16-75 relating to rule making procedures by providing that provisions in this Act shall take precedence over the provisions of the Alabama Administrative Procedure Act; and providing for an emergency rule making procedure; and to amend Section 9-16-79(1)(a) relating to hearings and appeals by providing that the provisions of this Act shall take precedence over the Alabama Administrative Procedure Act as related to hearings and appeals; and to amend Section 9-16-87(d) relating to exploration permits by providing for a reclamation bond; and to amend Section 9-16-89(h) to clarify conditions for obtaining release of bonds; and to amend Section 9-16-90(b)(10)(b.1) to clarify performance standards; and to amend Section 9-16-92(a) by adding a provision authorizing entry on private land in the enforcement and administration of this Act; and to amend Section 9-16-94(e) by making willfully and knowingly engaging in surface coal mining operations without a license or a permit a criminal act and subject to criminal penalties and further providing for reclamation bond and reclamation of any land so affected, and to amend Section 9-16-105(a) to provide for the conformity of Federal and state laws and regulations.

Rep. Blake, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

S. 386. (With Amendment): To amend Section 11-88-6, Code of Alabama 1975, regarding the board of directors of certain water, sewer and fire protection authorities, so as to provide for an increase in the number of said directors in certain cases and to provide for their initial term of office.

Rep. Blake, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 291. Proposing an amendment to the Constitution of 1901 to authorize the State of Alabama, through the Alabama State Docks Department, to convey, without consideration, title to its real property, equipment and facilities in Lauderdale County, Alabama, and known as Alabama State Docks to the Florence-Lauderdale County Port Authority, a public corporation, but subject to existing leases and other contractual agreements now in effect, and to authorize the State of Alabama, through the Alabama State Docks Department, to convey, with consideration, title to its real property, equipment and facilities in Morgan County, Alabama, and known as Alabama State Docks to the Decatur-Morgan County Port Authority, a public corporation, but subject to existing leases and other contractual agreements now in effect.

The above bill was read a second time at length as required by the Constitution.

Rep. Biddle, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 298. To state the legislative intent; to amend §2-20-54, Code of Alabama 1975 by further defining the excessive dispensing of controlled substances to include the ordering, prescribing, dispensing, administering, supplying, or otherwise distributing of any amphetamine and/or amphetamine like anorectic drug or compound and or any sympathomimatic amine drug or compound thereof and/or any non-narcotic stimulant drug which drugs are classified under Schedule II of the Alabama Uniform Controlled Substances Act, § 20-2-24, Code of Alabama, 1975, to any person except for the therapeutic treatment of narcolepsy, hyperkinesis, brain dysfunction, epilepsy, depression or for the clinical investigation of the effects of such drugs or compounds; to provide for the documentation of the utilization of such drugs or compounds; to provide that such drugs or compounds shall not be dispensed or prescribed for the treatment or control of exogenous obesity; to amend § 34-24-360, Code of Alabama, 1975 to further prescribe that a physician licensed to practice in Alabama is guilty of unprofessional conduct if that physician orders, prescribes, dispenses, administers, supplies or otherwise distributes any amphetamines and/or amphetamine like anorectic drug and/or sympathomimatic amine drug or compound thereof and/or any non-narcotic stimulant drug, which drugs are classified under Schedule II of the Alabama Uniform Controlled Substances Act, § 20-2-24, Code of Alabama, 1975 to any person except for the therapeutic treatment of narcolepsy, hyperkinesis, brain dysfunction, epilepsy or depression or for the clinical investigation of the effects of such drugs or compounds; to provide for documentation of the utilization of such drugs or compounds; to provide that such drugs or compounds shall not be dispensed or prescribed for the treatment or control of exogenous obesity; to provide that the certifying boards under the Alabama Uniform Controlled Substances Act and the State Board of Medical Examiners and the Medical Licensure Commission are empowered to enact rules and regulations to implement the provisions of this act.

S. 96. Relating to the Alabama law governing the practice of professional and practical nursing and creating the Alabama Board of Nursing; to amend § 34-21-1 to more clearly define professional and practical nursing; to amend Section 34-21-2 to add one additional licensed practical nurse to the board, to provide for the manner and time of appointment and alter the responsibilities of LPN members, to provide further for representation in nominations for professional nurse members of the board, to provide all board members with immunity from civil liability, to amend the powers and duties of the board relative to nursing educational programs, to allow the board to investigate allegations of misconduct, to make disciplinary actions matters of public record, to provide for development of nursing standards and continued competency, to allow membership in national nursing organizations and to increase per diem for board members from $30 to $50; to amend Section 34-21-6 to provide an exemption for nurses transporting patients through the state or providing educational or consultative services for less than 30 days, to make it unlawful to conceal violations of the Act, and to make violations of the Act a Class A misdemeanor; to amend Section 34-21-22 so as to delete the equivalency clause; to amend Section 34-21-24 to further provide for continued competency; to amend Section 34-21-24 to provide further for the fees under this chapter; to amend Section 34-21-25, so as to further provide for violations, clarify penalties, to allow for investigations and actions in the name of the board, to require parties requesting witnesses to be subpoenaed to pay witness fees and mileage, to simplify the use of depositions, to clarify the necessity for reinstatement, to further provide for appeals of decisions of the board, and to provide civil immunity for persons providing information in disciplinary cases.

S. 183. To amend Sections 24-1-21 and 24-1-22 of the Code of Alabama 1975, to declare that persons of low and moderate income are forced to occupy overcrowded and congested dwelling accommodations, to define housing project to include property, buildings and improvements acquired or constructed to provide dwelling accommodations at rentals within the means of persons of low or moderate income and to define persons of moderate income.

H. 74. To require that group, individual, or blanket hospital or medical expense insurance policies or hospital or medical service contracts issued for delivery in this State which include mental health services in the terms of the policies or contracts, shall include reimbursement for services rendered by a duly qualified counselor of this State notwithstanding any provision of the policies or contracts to the contrary.

H. 750. To require that group, individual, or blanket hospital or medical expense insurance policies or hospital or medical service contracts issued for delivery in this State which include mental services in the terms of the policies or contracts, shall include reimbursement for services rendered by a duly qualified certified clinical social worker of this State notwithstanding any provisions of the policies or contracts to the contrary.

Rep. Smith, Chairman of the Standing Committee on Agriculture and Forestry, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 97. To amend Section 7-9-204 of the Code of Alabama, 1975, relating to security agreements in connection with after-acquired property and future advances so as to provide that as relates to agriculture, a security agreement may provide that any and all obligations covered by the security agreement are to be secured by after-acquired collateral including without limitation all seed and all crops and the seed and agricultural products from any such crops growing or crops to be grown, whether they become such more or less than one year after the security agreement is executed and whether the security agreement is given in conjunction with a lease, a land purchase or improvement transaction or not.

Rep. Carter, Chairman of the Standing Committee on Natural Resources, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 67. To amend Section § 9-12-121 Code of Alabama 1975 so as to increase the maximum fine for violating a seafood law from $100.00 to $1,000.00.

S. 333. To prohibit the use of red clay on certain beaches of the state.

Rep. Richardson, Vice-Chairman of the Standing Committee on Public Welfare, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 228. To amend Sections 36-33-1 and 36-33-2, Code of Alabama 1975, as amended, which provides for protection of certain state officers and visitors so as to delete Subsection (4) of 36-33-1 and portions of Subsections (b) and (c) of 36-33-2 and exempts any person presently employed as an Executive Security Officer from the provisions of this Act.

Rep. Horn, Chairman of the Standing Committee on Constitution and

Elections, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 279. To improve election administration and to reduce the cost of elections; to reduce requirements for election forms and supplies; to simplify balloting procedures; to clarify the uses of the list of qualified electors and the poll list; to simplify the distribution of forms and records from the polling place; to reduce the chances of fraud or error by providing an audit trail for use in contests and the correction of registration records; to amend Sections 17-4-127, 17-4-130, 17-7-14, 17-7-15, 17-8-25, 17-8-29, 17-8-34, 17-8-35, 17-9-25, 17-9-33, 17-9-34, 17-12-4, 17-12-5, 17-13-3, 17-13-4, 17-15-4, 17-16-19, 17-16-32 and 17-16-36, Code of Alabama 1975; to repeal Sections 17-8-39, 17-13-5, 17-13-6, 17-13-10, 17-13-11, 17-14-23, 17-16-25 and 17-16-33 Code of Alabama 1975: and to provide for an effective date.

Rep. Martin, Chairman of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 810. To amend Section 11-43-50, Code of Alabama 1975, so as to require that there shall be at least one regular meeting of the council, each month, in the towns of this state and to provide a procedure for additional regular meetings of the council, each month, at the option of the council of the town; to establish an effective date.

S. 90. To amend Section 4 of Act No. 83-75 adopted at the First Special Session of 1983 of the Legislature of Alabama to provide for the refunding thereunder of any warrants issued by a county for the purpose of erecting necessary public buildings, bridges and roads.

Rep. Holmes, Chairman of the Standing Committee on Highway Safety, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 871. To prohibit public and private motor vehicle carriers from transporting hazardous or flammable materials through tunnels; to provide for jurisdiction of certain law enforcement officers; and to provide penalties for violations.

H. 785. To amend Section 32-6-4, Code of Alabama 1975, relating to nondriver identification cards, so as to provide that said cards shall not bear an expiration date.

H. 651. To amend Sections 32-13-1 through 32-13-4, Code of Alabama 1975, so as to provide for and regulate further the sale of an abandoned motor vehicle, specifically providing further for notice to the owner, secured parties and lienholders of the intended sale of such vehicle and authorizing and providing for a court hearing to determine whether the vehicle is abandoned and should be sold.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 860. Relating to Marshall County; to further regulate the appropriation and distribution of Tennessee Valley Authority funds paid in-lieu-of-taxes.

H. 861. To authorize the Marshall County Commission to provide protection of forests from fires, insects, disease and other pests within the county and to assess the whole or a part of the costs thereof, within a prescribed limit, against forest lands in the county and to prescribe the procedure for levying and collecting such assessments.

H. 862. To propose an amendment to the Constitution to provide that the legislature may, be local law, authorize the county governing body of Marshall County to further promote and provide forest fire protection within the county, assess in whole or part the cost thereof by levying a tax on lands other than on ad valorem basis; it prescribes the manner for levying, collecting and distributing such assessments.

The above bill was read a second time at length as required by the Constitution.

H. 864. Relating to Walker County; to provide for a county legislative delegation office; to require that the county commission shall provide office space, furniture, equipment, supplies, and a salary for either a secretary or office manager who shall be hired and shall serve at the pleasure of the Walker County legislative delegation.

H. 865. Establishing the powers and authority of district attorney's investigators of the fourteenth judicial circuit of Alabama.

H. 866. Relating to Coosa County; providing that any real estate deed presented for filing and recording in the office of the judge of probate shall contain certain information on the face of the instrument relating to the ad valorem tax notice on such real estate.

H. 869. Relating to Chilton County; to provide for an additional expense allowance for the county coroner.

H. 874. To alter, rearrange and extend the boundaries and corporate limits of the City of Columbiana, Alabama, so as to incorporate certain territory as described herein.

H. 875. To alter or rearrange the boundary lines of the Town of Snead, Blount County, Alabama, so as to include within the corporate limits of said Town all territory now within such corporate limits and also certain other territory contiguous thereto, in Blount County, Alabama.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 884. (With Amendment): To provide that the Pickens County Commission shall locate, construct, maintain and repair all Pickens County public roads, bridges, ferries, and public buildings as a single centralized road system, without regard to commissioner district, beat or precinct lines; to further define the duties and powers of said Commission and its members; to provide for the employment of a County Engineer and to fix and define their respective duties and to provide for and fix the amount of his bond and to provide for the manner of approval of and payment of premiums on said bond; to further fix and define the duties and authority of the Chairman of the Pickens County Commission and other members of said Commission; to fix and define the manner of making requisition for road, bridge and public building construction and maintenance equipment, supplies and materials and for the issuance of purchase orders for same; to pro-

vide for the fixing of a scale of wages and salaries; to designate the County Engineer as the custodian of all vehicles, machinery, equipment, supplies and materials relating to the planning, construction and maintenance of all public roads and bridges in Pickens County; to provide for the appropriation of road, bridge and public building funds, gasoline tax funds, general fund, highway, and traffic fund, and all other public monies normally coming under the control of County Commissions, and for the manner of expenditure and budgetary control of same; and to order an election in Pickens County on the question of whether this Act shall become effective and a centralized road system thereby instituted in Pickens County; and to provide that this Act shall become effective only if a majority of those voting at said election vote in favor of effectuating the Act and instituting a centralized road system in Pickens County.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 885. To levy a finance charge or a tax of ten cents per acre to be assessed against lands located in Hale County, Alabama, which are used for timber growing purposes, to provide protection against forest fires within Hale County; to provide for a referendum on the question; and prescribing the procedure for the collection of such assessments.

H. 887. To provide for redivision of the county commissioner's districts in Covington County, Alabama; to provide for an advisory referendum on the question of the provisions of this act.

H. 888. Relating to Covington County; providing for the distribution of certain road and bridge money; and providing an advisory referendum thereon.

H. 889. Relating to Lee County, providing further for the registration fees on mobile homes; providing further for the distribution of such fees; providing for an effective date; and repealing Act No. 481, H. 1193, 1976 Regular Session (Acts 1976, p. 597).

H. 890. Relating to Houston County; to provide for an expense allowance for the members of the county board of education and to repeal certain conflicting laws.

H. 892. Relating to the fourteenth judicial circuit; creating a position of felony investigator for the district attorney of such circuit and providing for the powers, duties and compensation of such investigator.

H. 896. Relating to Cleburne County; providing for the establishment of a consolidated and unified system for assessment and collection of taxes, under the supervision of an elected county official designated as county revenue commissioner, providing for the compensation of such official, abolishing the offices of tax assessor and tax collector, and repealing conflicting laws.

H. 897. Relating to Cleburne County; fixing the fee for the issuance of pistol permits and providing for the disposition of such fees.

H. 898. Relating to Cleburne County; to provide for an optional system of motor vehicle tag and decal purchasing by mail; to authorize an additional fee for mailing tags; to provide for the disposition of such fees; and to provide that the county commission shall provide such necessary space, personnel, equipment and supplies.

H. 899. Relating to selling and redeeming lands for taxes in Cleburne County, Alabama.

H. 900. Relating to Cleburne County; to provide for the mailing addresses of the grantors and grantees to appear on all conveyance of real property recorded in the probate office of such county.

H. 902. To authorize the Clay County Commission to provide protection against forest fires within the county and to assess the whole or a part of the cost thereof, within a prescribed limit, against forest lands in the county and to prescribe the procedure for levying and collecting such assessments.

H. 904. Relating to Marengo County, providing for the establishment of a consolidated and unified system of assessment and collection of taxes under the supervision of an elective county official designated as county revenue commissioner; prescribing the powers, duties, term of office and compensation of said county revenue commissioner, and providing for his election; abolishing the county offices of tax assessor and tax collector in Marengo County; repealing conflicting laws; providing for a referendum and prescribing the effective date of this act.

H. 905. To authorize the Barbour County Commission to compensate a Clerk in the Sherriff's Office.

H. 906. To propose an amendment to the Constitution of Alabama of 1901, to levy and collect an additional property tax within the Marengo County School District for public education purposes.

The above bill was read a second time at length as required by the Constitution.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 916. (With Amendment): Relating to Shelby County; providing further for the licensing of retailers of alcoholic beverages.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 917. Relating to Utilities in the City of Decatur in Morgan County; Providing that the City of Decatur Sanitation Department, the Decatur-Morgan County Landfill, and the Decatur Utilities Board shall not provide in any year more than a five percent increase in certain services over that amount provided from July 1, 1982, to June 30, 1983, without approval of the Decatur City Council.

Rep. Waggoner, Chairman of the Standing Committee on Local Legislation No. 2, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 881. To establish service territories for electric suppliers in and around Tarrant City, Jefferson County, Alabama; to declare that it is the policy of the State of Alabama to ensure effective, economical and orderly

supply of electric service at retail to customers in and around Tarrant City and to avoid unnecessary duplication of facilities by electric suppliers for the furnishing of retail electric service; to provide procedures for eliminating or reducing the potential for duplication of electric distribution facilities in and around Tarrant City by adopting and mandating that the procedures for elimination and prevention of the duplication of electric distribution facilities set forth in that certain agreement between Tarrant City and Alabama Power Company dated June 8, 1983 shall be the law of this State.

H. 706. To further amend Section 3.07(h) of Act No. 452, of the Regular Session of the Legislature of Alabama of 1955 (Acts of 1955, page 1004), as amended, also known as the Mayor-Council Act of 1955 so as to provide, that the existing Council employees, within 30 days of this bill becoming law, may elect to withdraw from the general pension system upon application for such withdrawal, and provides that future Council employees to be included in the general pension system of the municipality upon application for such membership within 30 days of appointment.

S. 474. Relating to Jefferson County; to regulate further the taking of fish from public streams and impounded waters in such county except in municipal parks; authorizing the taking of non-game fish by the use of wire mesh baskets, on which a privilege license tax has been paid; prohibiting the sale of fish so taken; prescribing penalties for violation of this Act.

Rep. Turner, Chairman of the Standing Committee on Local Legislation No. 3, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 893. Relating to any Class 2 municipality; providing for a referendum on the question of adoption of a mayor-council form of government or a council-manager form of government; establishing in the alternative said forms of government; and providing for penalties for violations of certain provisions of this Act.

H. 859. Relating to the City of Prichard, Mobile County and the pension and retirement fund for such city; amending further Sections XII and XXII of Act No. 235, H. 290, of the 1963 Regular Session (Acts 1963, p. 636) as last amended, relating to the payment eligibility and the formula therefor of certain retirees, and persons who leave city service before retirement, so as to provide that all monies contributed by the member to such fund and increases for retirees.

Rep. Langford, temporary Chairman of the Standing Committee on Local Legislation No. 4, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 870. Relating to Montgomery County; to amend Act No. 429, H. 934 of the 1961 Regular Session (Acts of 1961, p. 466), so as to authorize the Montgomery County Commission to employ administrative assistants, which persons must have obtained the age of 62 years and served 16 years as a member of the governing body of said county.

H. 891. Relating to Montgomery County; to amend Sections 5, 7 and 8 of Act No. 833, H. 1100 of the 1969 Regular Session of the Alabama Legislature (Acts 1969, p. 1522), as amended, relating to the retirement system for employees of Montgomery County, so as to grant authority to the Mont-

gomery County Commission to adopt tables upon which to base discretionary annual valuations of assets and liabilities of the Montgomery County Retirement System; to require that such valuations be made at least once in each five-year period; to grant power to the Montgomery County Commission to determine, at its discretion, the interest rate earned on the funds of the Montgomery County Retirement System; to provide for the payment of administration expenses of the Montgomery County Retirement System; and, to allow available monies not exceeding ten per centum of the total assets of the Montgomery County Retirement System to be held in non-interest bearing accounts.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Stout, the rules were suspended in order to take up out of order the bill, H. 94.

And the bill:

H. 94. To permit, upon proper application and approval by the adjutant general of the Alabama National Guard, any eligible veteran to have a ceremonial funeral with honor guard furnished by the Alabama National Guard personnel.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 73; Nays 0.

Yeas:

Reps: Adams, Albright, Ashley, Bennett, Biddle, Boles, Box, Brooks, Browder, Butler, Carothers, Carter, Clark, Coleman, Cosby, Crow, Davis, Dutton, Escott, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Holley, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Kennedy, Kvalheim, Laird, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Melton, Minus, Moore, Murphy, Parker, Payne, Penry, Poole, Preuitt, Rains, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thornton, Tucker, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright, and Zoghby.

—73

RESOLUTIONS

The following resolutions were introduced and distributed according to Joint Rule 11:

By Rep. White (F):

H. R. 402. CONGRATULATING MRS. YULA M. KELLY OF POLLARD, ALABAMA, ON OCCASION OF HER 80TH BIRTHDAY.

Also:

By Rep. Blakeney:

H. R. 403. COMMENDING MR. AND MRS. ELLIS EUGENE GOODMAN OF THOMASVILLE, ALABAMA, ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

Also:

The following resolutions were introduced:

By Reps. Kennedy, Buskey, Clark, Kvalheim, Harper, Gaston, Clikas, Zoghby, Turner, Drake, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Butler, Campbell, Carothers, Carter, Casey, Coburn, Coleman, Cosby, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Goodwin, Grimsley, Grouby, Hall, Hammett, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, and Wright:

H. J. R. 404. MOURNING THE DEATH OF MRS. CLAUDETTE CLEEK BOX.

WHEREAS, the Legislature of Alabama grievously notes the death of Mrs. Claudette Cleek Box of Mobile, Alabama, on June 8, 1983; and

WHEREAS, Mrs. Box, who was a native and lifelong resident of Mobile County, was a Registered Nurse and held both the B.S. degree, and a Master's degree in psychology; and

WHEREAS, after having practiced for some time as a nurse, Mrs. Box resumed her education to study psychology and criminal justice, interning with the youth center where she worked with juveniles; and

WHEREAS, Mrs. Box later worked at Searcy Hospital as unit director for the ward, which housed the elderly mentally ill persons, continuing to update and increase services for these elderly patients at Searcy; and

WHEREAS, Mrs. Box's primary interest was in people and, most particularly, those who were in need of help, and for whom she provided the very best possible care; and

WHEREAS, as a loving person who lived to serve others, Mrs. Box was loved in return and her death has left a deep void in the lives and hearts of her family, many friends and the patients she tended with compassion and care; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply saddened by the death of Mrs. Claudette Cleek Box of Mobile, Alabama, and extend our very deepest sympathy to her husband, Dr. William A. Box, her mother and brother, Mrs. Helen Cleek and Mr. Ed Cleek, and other family members whose sorrow we truly share and to whom a copy of this resolution shall be sent.

On motion of Rep. Kennedy, the rules were suspended and the resolution, H. J. R. 404, was adopted.

Also:

By Reps. Campbell, Crow and Browder:

H. J. R. 405. DESIGNATING THE WEEK OF OCTOBER 3-7, 1983, AS "CALHOUN COUNTY INDUSTRY WEEK".

WHEREAS, the Legislature of Alabama recognizes the many contributions that the industries of Calhoun County have made not only to the

economy of both Calhoun County and the State of Alabama, but also to the people in gifts of time and talent to promote community progress; and

WHEREAS, it is with enthusiasm that we endorse the 8th annual "Industry on Parade" exhibition sponsored by the Calhoun County Chamber of Commerce, to be held at Quintard Mall, October 3-7, 1983; and

WHEREAS, we salute the joint enthusiasm of 59 industries and the Calhoun County Chamber of Commerce in their effort to enhance community awareness and appreciation for the diversity and impact of Calhoun County's industrial base; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in praise, we hereby designate the week of October 3-7, 1983, as "Calhoun County Industry Week" to honor and give distinction to such industries.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to the Calhoun County Chamber of Commerce and to each of the participating industries as evidence of our enthusiastic endorsement of their "Industry on Parade."

On motion of Rep. Campbell, the rules were suspended and the resolution, H. J. R. 405, was adopted.

Also:

By Reps. Wilson, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drake, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wright and Zoghby:

H. J. R. 406. MOURNING THE DEATH OF MR. WILLIAM GUNTER O'REAR OF MONTGOMERY, ALABAMA.

WHEREAS, the Legislature of Alabama has been grievously saddened by the death of William Gunter O'Rear of Montgomery, Alabama, on July 3, 1983, at the age of just 57 years; and

WHEREAS, a longtime resident of Montgomery and a United States Navy veteran of World War II, Mr. O'Rear attended Marion Institute and Amhurst College and was a 1950 graduate of the University of Alabama's School of Law; and

WHEREAS, Mr. O'Rear retired from state government in 1979, following a career of some 30 years with the Department of Conservation and Natural Resources, the last 20 years as Chief Legal Counsel; and

WHEREAS, serving as former assistants to Mr. O'Rear during his tenure as chief of the department's legal division were Judges Robert Bradley, John Tyson and Joseph Phelps; and

WHEREAS, Mr. O'Rear, who entered the private practice of law in 1979, served for a brief period as acting director of the State Environmental Improvement Agency by appointment of Governor Fob James; and

WHEREAS, a member of both the Montgomery and Alabama Bar Associations, Mr. O'Rear was an acknowledged expert in the field of oil and gas law, and was a member of the Oil and Gas Interstate Compact Commission; and

WHEREAS, Mr. O'Rear extended his involvements to include active participation in a number of community affairs and was a member of the board of directors of Trinity School and of the Board of Deacons of Trinity Presbyterian Church; and

WHEREAS, the death of William G. O'Rear has left a deep void in his community, and in the lives of all those privileged to know him as a man of highest integrity and of deep compassion and concern for others; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That even as we mourn, we give thanks for the life of William Gunter O'Rear of Montgomery, Alabama; we further extend our very deepest sympathy to his wife, Mrs. Jane Johnson O'Rear, their daughter, Hayden B. O'Rear, and son, William G. O'Rear, Jr., to whom a copy of this resolution shall be sent in expression of our shared sorrow in their great loss.

On motion of Rep. Wilson, the rules were suspended and the resolution, H. J. R. 406, was adopted.

Also:

By Rep. Minus:

H. J. R. 407. COMMENDING MRS. LADDI JONES FOR OUTSTANDING LEADERSHIP.

WHEREAS, Mrs. Laddi Jones is a 1944 graduate of Eatman High School, where she graduated second in a class of 575 students and excelled in extra curricular activities and in school leadership; and

WHEREAS, Mrs. Jones continued her education at Auburn University and the University of Kentucky where she continued her participation and leadership in campus affairs and in the community as well; and

WHEREAS, her activities on campus included membership on numerous committees and charitable drives, and in organizations such as the Auburn Knights and the UK Volunteers for a Better Kentucky; and

WHEREAS, Mrs. Jones, during her residence in Sumter County, has received several civic awards, including having been named Citizen of the Year in 1981 by the Livingston Police Department and having been awarded a Certificate of Appreciation from the Alabama Special Olympics, Inc., for the years 1981-82 for her efforts to assist the program; and

WHEREAS, Mrs. Jones served her community as Youth Chairman of the City of Livingston Sesquicentennial, and as co-publicity chairman of the Sumter County Sesquicentennial Committee; and

WHEREAS, Mrs. Jones' past contributions to her society include having been a volunteer worker in the American Red Cross, Genesis II, Freedom House and the Crisis Center; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Mrs. Laddi Jones of Livingston, Alabama, for outstanding achievement and for distinguished service to the community in which she lives.

BE IT FURTHER RESOLVED, That Mrs. Jones receive a copy of this resolution that she may be aware of our sincere warm praise and regard.

On motion of Rep. Minus, the rules were suspended and the resolution, H. J. R. 407, was adopted.

Also:

By Rep. Minus:

H. J. R. 408. COMMENDING MR. JAMES FRANKLIN OZMENT FOR OUTSTANDING LEADERSHIP.

WHEREAS, Mr. James Franklin Ozment of Livingston, Alabama, is a 1981 graduate of Sumter Academy where he excelled in academics, in extra curricular activities and in school leadership; and

WHEREAS, Mr. Ozment is currently attending Birmingham-Southern College where he has continued his participation and leadership in campus affairs and in the community as well; and

WHEREAS, his activities on campus include membership on numerous committees and charitable drives; and

WHEREAS, Mr. Ozment has been most active with the Interfraternity Council; with the College Student Government Association as freshman Representative; and is an active member of the Kappa Alpha Order; and

WHEREAS, Mr. Ozment's achievements include having served as editor of the College newspaper in his sophomore year and having been on the Dean's List for the majority of his college career; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Mr. James Franklin Ozment of Livingston, Alabama, for outstanding achievement and for distinguished service to Birmingham-Southern College and to the community of Sumter County in his role as Reporter and Acting Editor for both County newspapers.

BE IT FURTHER RESOLVED, That Mr. Ozment receive a copy of this resolution that he may be aware of our sincere warm praise and regard.

On motion of Rep. Minus, the rules were suspended and the resolution, H. J. R. 408, was adopted.

Also:

By Rep. Butler:

H. R. 409. URGING THE ALABAMA HIGHWAY DEPARTMENT TO EITHER REPAIR, OR CAUSE TO BE REPAIRED, THE ROADS IN LIMESTONE COUNTY DAMAGED BY HEAVY TRUCKS AND OTHER EQUIPMENT USED IN THE CONSTRUCTION OF THE STATE PRISON FACILITY.

WHEREAS, during the construction of the State prison facility in Limestone County, the use of heavy trucks and other equipment is causing considerable and extensive damage to the roads in Limestone County; and

WHEREAS, it is the unalterable position of the officials and citizens of Limestone County that the responsibility for repair of said damage rests solely with the State of Alabama; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, That we hereby most strongly urge the Alabama State Highway Department to immediately: (a) Repair the roads in Limestone County damaged as a direct result of the construction of the new State prison facility; (b) require the contractor for the facility to repair said damages; or (c) to reimburse the Limestone County Commission for expenditures necessary to restore said roads to their status and condition immediately prior to the onset of prison construction activity.

BE IT FURTHER RESOLVED, That the Clerk of the House is directed to notify State Highway Department officials, by copy of this resolution, of this urgent request of the Alabama House of Representatives.

On motion of Rep. Butler, the rules were suspended and the resolution, H. R. 409, was adopted.

Also:

By Rep. Butler:

H. R. 410. URGING THE STATE BOARD OF CORRECTIONS AND GOVERNOR GEORGE C. WALLACE TO DELAY ANY OPENING FOR BIDS OR AWARDING OF CONTRACTS FOR ADDITIONAL WORK ON THE LIMESTONE COUNTY PRISON FACILITY.

WHEREAS, the State of Alabama is constructing a prison facility in Limestone County; and

WHEREAS, the Alabama Supreme Court is considering final arguments in regard to the validity of contracts let for the first phase of the facility; and

WHEREAS, it is entirely possible that the decision of the Supreme Court may affect the validity of these contracts; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, That we hereby urge the State Board of Corrections and Governor George C. Wallace to delay any opening for bids or awarding of contracts for additional work on the prison facility now under construction in Limestone County until such time that a decision is rendered by the Alabama Supreme Court on the validity of contracts let for the first phase of said construction.

BE IT FURTHER RESOLVED, That the Clerk of the House is directed to notify the Board of Corrections and Governor Wallace, by copy of this resolution, of this urgent request of the House of Representatives.

MOTION TO SUSPEND RULES AND ADOPT LOST

The motion offered by Rep. Butler to suspend the rules and adopt the resolution, H. R. 410, was lost.

The resolution, H. R. 410, was read and referred to the Standing Committee on Rules.

Also:

By Reps. Butler and Carter:

H. R. 411. RESTATING THE LEGISLATIVE INTENT OF ACT

NO. 595, S. 741, 1978 REGULAR SESSION.

WHEREAS, the House of Representatives of the Alabama Legislature notes that Section 14-1-9, Code of Alabama 1975, was amended by Act No. 595, S. 741, 1978 Regular Session; and

WHEREAS, the amendatory act states that the board of corrections "shall advise the Governor and the Legislature at least thirty (30) days prior to making a decision on construction of permanent facilities or any new or existing prison site"; and

WHEREAS, the language of the Act is explicit and leaves no doubt as to its interpretation in that it requires notice be made to the legislature prior to a decision on prison construction; and

WHEREAS, past members of the Executive branch have ignored this legislative mandate; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE ALABAMA LEGISLATURE, That we hereby restate and reaffirm that the legislative intent behind Act No. 595, S. 741, 1978 Regular Session, now appearing as Section 14-1-9, Code of Alabama 1975, was to require that notice be given to the Legislature at least 30 days prior to making a decision on the construction of prison facilities.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to the Governor to clarify any misconception that may arise in the future concerning this legislation.

MOTION TO SUSPEND RULES AND ADOPT LOST

The motion offered by Rep. Butler to suspend the rules and adopt the resolution, H. R. 411, was lost.

The resolution, H. R. 411, was read and referred to the Standing Committee on Rules.

Also:

By Reps. Wright, Horn, Layton, Boles, Tucker, and Trammell:

H. R. 412. REQUESTING THAT THE SHERIFF'S DEPARTMENT IN JEFFERSON COUNTY USE DRUG DETECTION DOGS ON VISITS TO EACH JUNIOR AND SENIOR HIGH SCHOOL AT LEAST TWICE EACH MONTH.

WHEREAS, the use of drugs is becoming more prevalent among junior and senior high school students; and

WHEREAS, this use of drugs can destroy the lives of these fine young people; and

WHEREAS, the use of drug detecting dogs has been found to be a superb deterrent to the use of drugs among junior and senior high school students; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE ALABAMA LEGISLATURE, That the sheriff's department of Jefferson County is hereby encouraged to use drug detecting dogs on visits to each junior and senior high school in the county at least twice each month.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to the sheriff of Jefferson County.

On motion of Rep. Wright, the rules were suspended and the resolution, H. R. 412, was adopted.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 246. To provide that a Restitution Order in a criminal case be a Final Judgment and have all of the force and effect of a Final Judgment in a civil action under the laws of the State of Alabama; to provide that the victim of a crime to whose benefit restitution is ordered, or anyone acting on behalf of said victim, shall have all of the rights and remedies granted a plaintiff in a civil action under the laws of this state together with any other right or remedy pertaining to restitution orders in criminal codes.

Also:

H. 726. To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901 authorizing and directing Randolph County under certain conditions (a) to levy privilege, license and excise taxes paralleling the state sales and use taxes at the rate of one-half of one percent on gross proceeds of businesses made subject to the said taxes, (b) to pay one-half of the proceeds of the special ad valorem tax authorized to be levied by Amendment 72 to the Constitution into a special fund established for such purpose, (c) to pay four-tenths of the road, bridge and public building ad valorem tax authorized by Section 215 of the Constitution, as amended, to be levied by the county into said special fund, and (d) to issue its bonds or warrants (which may but need not be general obligations of the County) not exceeding $1,500,000 in principal amount for the purpose of financing certain County Facilities (as defined herein), to be secured by a pledge of (i) the said privilege, license and excise taxes authorized and directed by this Amendment to be levied by Randolph County, (ii) one-half of the said special ad valorem tax, and (iii) four-tenths of the special ad valorem tax authorized by Section 215 of the Constitution; providing that none of the bonds or warrants shall be chargeable against the limitation on the indebtedness of Randolph County contained in Section 224 of the said Constitution and specifying certain details pertaining to the bonds or warrants; and providing that the provisions of Amendment 425 to the Constitution (providing for an alternate method of the submission of certain proposed Amendments) are inapplicable to this proposed Amendment.

And finds same correctly enrolled.

JOHN S. CASEY,
Chairman.

SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

RESOLUTIONS

The following resolutions were introduced and distributed according to

Joint Rule 11:

By Reps. Brooks, Albright, Butler and Hall:

H. R. 413. COMMENDING AND HONORING REBECCA JEAN JEAN HENSON.

Also:

By Rep. Brooks:

H. R. 414. RECOGNIZING DR. ROSMARIE KOHR, D.D.S.

Also:

The following resolutions were introduced:

By Reps. Cosby, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Crow, Davis, Drake, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby:

H. J. R. 415. CONGRATULATING MR. JOSEPH WALTON GREEN, JR., OF SELMA, ALABAMA, ON THE OCCASION OF HIS 100TH BIRTHDAY.

WHEREAS, the Legislature of Alabama notes with pleasure the 100th birthday, on April 28, 1983, of Mr. Joseph Walton Green, Jr., of Selma, Alabama; and

WHEREAS, Mr. Green, who was born April 28, 1883, in Shelby County, Alabama, has been a resident of Selma since 1894; he is the son of Joseph Walton Green who was a four-term member of the Alabama House of Representatives during the early 1900's; and

WHEREAS, he is the widower of the late Mrs. Evelyn Kincey Green to whom he was married in 1901, and for 74 years until her death; and

WHEREAS, "Papa Green", as he is widely and affectionately known, is the patriarch of a family which has included seven children, 16 grandchildren, 37 great grandchildren and, at last count, 14 great-great grandchildren, all of whose interests and activities have been "Papa's" hobbies throughout the years; and

WHEREAS, Mr. Green has long been involved with community affairs but has served, most particularly, through his church; he has been an active member of Church Street Methodist Church since the age of eight and currently is Honorary Steward of the official board, having served previously as financial secretary and co-chairman of the Board of Stewards; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join with the family and

friends of Mr. Joseph Walton Green, Jr., of Selma Alabama, in extending heartiest congratulations on his 100th birthday and direct that he and other family members receive copies of this resolution in token of our sincere regard and warm best wishes for many more years of good health and happiness.

On motion of Rep. Cosby, the rules were suspended and the resolution, H. J. R. 415, was adopted.

Also:

By Reps. McMillan and Penry:

H. J. R. 416. NAMING THE NEW DISTRICT 8 HEADQUARTERS BUILDING OF THE ALABAMA FORESTRY COMMISSION IN BALDWIN COUNTY, ALABAMA, THE "EMANUEL DAVIDSON BUILDING."

WHEREAS, Mr. Emanuel Davidson is a native of the Pine Grove Community of Baldwin County, Alabama; and

WHEREAS, Mr. Davidson, a veteran of World War I and a retired banker, has long been active in community, business and veteran affairs; and

WHEREAS, Mr. Davidson has also demonstrated, through involvement, his interest in forestry and related industries, and most particularly in naval stores and in management and improvement of the forest products industry; and

WHEREAS, Mr. Davidson has further evidenced his interest and support of the forestry industry through the donation of five acres of land, the site of the new District 8 Headquarters building for the Alabama Forestry Commission; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of the numerous contributions of Mr. Emanuel Davidson to forestry and related industries, and in deep gratitude for his generosity, we hereby name and designate the new District 8 Headquarters building of the Alabama Forestry Commission, in Baldwin County, Alabama, the "Emanuel Davidson Building."

BE IT FURTHER RESOLVED, That the proper authorities shall erect and maintain appropriate signs and markers so designating said building as the "Emanuel Davidson Building."

RESOLVED FURTHER, That a copy of this resolution shall be provided for Mr. Davidson, in token of our highest regard and as a memento of this honorary designation of the Legislature.

On motion of Rep. Penry, the rules were suspended and the resolution H. J. R. 416, was adopted.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Rep. Junkins (With Notice and Proof):

H. 918. To alter, rearrange and extend the boundary lines and corporate limits of the City of Centre in Cherokee County, Alabama.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 918, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Newman (With Notice and Proof):

H. 919. Relating to Fayette County; providing further for the discipline and dismissal of deputies sheriff in such county; creating a deputies sheriff discipline and dismissal board therefor; providing for the membership and terms of such board and its authority, responsibilities and duties in such county; and providing for eligibility of deputies sheriff to be entitled to a hearing before such board.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 919, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Seibels (With Notice and Proof):

H. 920. Relating to counties having populations of not less than 600,000 inhabitants according to the last or any subsequent federal census; to authorize and provide for additional funds for the County Civil Defense Agency based on stated percentages of county non-school ad valorem tax collections pursuant to a budget approved by the county governing body; to provide a formula for determining the amounts to be paid from the general funds of the county and each municipality located therein for the maintenance and operation of the civil defense services in such county including, but not limited to, the employment of personnel, the operation of the 911 Emergency Reporting System and repair of buildings or improvements thereon, which are related to or required by the prescribed duties of the County Civil Defense Coordinator or Director; to permit the county to fund the County Civil Defense Agency without or with reduced municipal contributions; to repeal all conflicting statutes; to make provisions of the act severable; and to provide for the effective date thereof.

Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 920, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Hall (With Notice and Proof):

H. 921. Authorizing the County Governing Body of Madison County to levy, assess and collect franchise, excise and privilege license taxes in Madison County inside the corporate limits of the City of Huntsville, Alabama, providing that the proceeds of said tax be paid into the general fund of Madison County; providing certain limitations on the levying of the taxes; providing for the enforcement and collection of the tax and distribu-

tion thereof, and providing an effective date for this act.

Local Legislation No. 4.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 921, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Reps. Rains and Coleman:

H. 922. To reverse the numbers of House Districts 26 and 25 as designated in Section 1 of Act No. 83-154, H. 1, Second Special Session 1983, approved February 23, 1983.

Local Legislation No. 1.

RESOLUTIONS

The following resolution was introduced and distributed according to Joint Rule 11:

By Reps. Clikas and Harper:

H. R. 417. COMMENDING MR. ROBERT LAWRENCE APPLING OF IRVINGTON, ALABAMA, FOR OUTSTANDING SERVICE.

Also:

The following resolution was introduced:

By Rep. Starkey:

H. J. R. 418. BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Legislature authorize the Alabama Department of Environmental Management to approve, at its discretion, a hazardous waste treatment facility or disposal site to be situated and located on the following described property in Lowndes County, Alabama:

S ½, Sec. 22, lying South of the Montgomery-Selma Highway (U.S. Highway 80);

All of Sec. 27;

NE ¼ of NW ¼, N ½ of NE ¼ and SE ¼ of NE ¼, Sec 34;

SE ¼ and S ½ of SW ¼, Sec. 26;

NW ¼, E ½ of SW ¼, and W ½ of SW ¼ of SE ¼, Sec. 35;

All lying in Township 15 North, Range 14 East, Lowndes County, Alabama and containing 1620 acres, more or less.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 457. To amend further Code of Alabama, 1975, Title 33, Section 48, as amended, which relates to the pay of pilots, by revising the schedule of pilots' fees.

Also:

H. 446. Relating to public education in this state, to require instruction in cardiopulmonary resuscitation as part of the health curriculum for all tenth grade students in Alabama's public schools, effective September 1, 1983, in certain school systems, and effective September 1, 1984, in all school systems.

Also:

H. 280. To provide for an additional seven workday delay in the payment of salaries to employees of the state of Alabama so that the said salaries will be paid biweekly two weeks in arrears.

H. 281. Relating to and amending 1975 Code of Alabama, § 36-6-1 to amend the second sentence (parts being inapplicable) and to change the words "pay periods" to "pay days," and to provide an effective date.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 142. To amend Act 82-328 to conform with other states in the Southeast Interstate Low-Level Radioactive Waste Management Compact and to change the effective date.

McDOWELL LEE,
Secretary.

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House Bills hereinafter mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 3:30 P.M. on July 13, 1983.

H. 112

H. 749

H. 818

H. 830

Delivered to the Governor at 5:15 P.M. on July 13, 1983.

H. 246

Delivered to the Secretary of State at 5:00 P.M. on July 13, 1983.

H. 726 (Constitutional Amendment)

JOHN W. PEMBERTON,
Clerk.

ADJOURNMENT

On motion of Rep. Coleman and pursuant to the resolution, H. R. 399,

heretofore adopted, the House adjourned until 10:00 o'clock a.m., Thursday, July 14, 1983.

Yeas 47; Nays 44.

Yeas:

Reps.: Adams, Blake, Blakeney, Bowling, Brooks, Bryant, Butler, Campbell, Clikas, Coburn, Coleman, Cosby, Drinkard, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Hammett, Harper, Harvey, Holmes, Johnson (A.L.), Johnson (R.G.), Junkins, Kvalheim, Laird, Langford, McKee, Manley, Martin, Mathis, Minus, Mitchell, Newman, Preuitt, Rice, Richardson, Sasser, Stout, Turner, White (F), White (L), Williams, Wilson, and Zoghby.

— 47

Nays:

Mr. Speaker, Albright, Ashley, Bennett, Biddle, Boles, Box, Browder, Crow, Davis, Dutton, Escott, Grimsley, Grouby, Hettinger, Holley, Horn, Howard, Johnson (Roy), Lauderdale, Layton, Lewis, Melton, Moore, Murphy, Nevett, Nicholson, Parker, Payne, Penry, Poole, Rogers, Scott, Seibels, Smith, Starkey, Thomas, Thornton, Tucker, Turnham, Venable, Waggoner, Warren, and Wright.

— 44

TWENTY-SEVENTH DAY

House of Representatives
Montgomery, Alabama
Thursday, July 14, 1983

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Rev. Forrest A. Risberg, Pastor, First United Methodist Church, Carbon Hill, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Parker, Payne, Penry, Poole, Preuitt, Rains, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

—102

A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the twenty-sixth legislative day and finds the same to be correct.

JOHN CASEY,
Chairman.

On motion of Rep. Casey, the rules were suspended and the reading at length of the Journal of the House for the twenty-sixth legislative day was dispensed with and the Standing Committee on Rules was concurred in and adopted, and the Journal for the twenty-sixth legislative day was approved.

RESOLUTION

The following resolution was introduced:

By Rep. Johnson (Roy):

H. R. 419. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That when we adjourn today, Thursday, July 14, 1983, we adjourn to meet again on Friday, July 22, 1983, at 10:00 a.m.

On motion of Rep. Johnson (Roy), the rules were suspended and the resolution, H. R. 419, was adopted.

BILLS ON SECOND READING

Rep. Biddle, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

S. 9. (With Amendment): To authorize the Alabama State Board of Chiropractic Examiners to establish a preceptorship and extern program whereby chiropractic students enrolled in their last year at Board approved chiropractic colleges accredited by the Council of Chiropractic Education and recent chiropractic graduates of such colleges may be issued a limited license to practice chiropractic under the direct on premises supervision of a sponsor licensed to practice chiropractic in the state of Alabama and, in the case of chiropractic students, under the direct supervision of the college; to provide that the limited license shall expire immediately upon the Board issuing the results of the first licensure examination after the limited licensee's graduation; to empower the Board to establish rules and regulations for the implementation of this act.

Rep. Langford, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 257. To amend Section 15-18-8, Code of Alabama 1975, which imposes a minimum term of confinement, upon conviction, of a sentence of 10 years or less, so as to increase said minimum term; and to amend Section 15-22-50, Code of Alabama 1975, which imposes a maximum term of confinement, upon conviction, of a sentence of 10 years or less, so as to increase said maximum term.

S. 89. To amend Section 18-3-1, Code of Alabama 1975, as last amended, which provides for acquisition of rights-of-way by private parties, so as to provide further for said acquisition.

Rep. Langford, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 295. (With Substitute) (With Amendment): To amend Sections 12-15-1, 12-15-30, 12-15-33 and 12-15-34, Code of Alabama 1975, all of which relate to juvenile court proceedings, so as to: Define further the term "delinquent act;" to provide further for the original jurisdiction of juvenile courts; to provide further for the transfer of cases to the juvenile courts; and to provide further for the transfer of cases from juvenile courts to adult courts.

Rep. Langford, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 438. To amend Section 13A-11-74, Code of Alabama 1975, relating to possession of unlicensed concealed weapons, so as to permit district attorneys and assistant district attorneys to carry said weapons.

H. 413. To prohibit the acts of shooting or discharging a firearm, explosive or other weapon which discharges a dangerous projectile into any occupied or unoccupied dwelling or building or railroad locomotive or railroad car, aircraft, automobile, truck or watercraft and to prescribe felony punishment for such acts.

S. 348. To amend Section 12-21-8, Code of Alabama 1975, so as to provide further for the disposition of exhibits offered in evidence in criminal and civil cases; to provide that exhibits offered in evidence in civil cases may be withdrawn by the offering party after final disposition of the case; to provide that any civil exhibits not withdrawn by the owner or offering party may be disposed of by the clerk with the court's approval on or after the expiration of one year from the final disposition of the case; to provide that any civil exhibits not withdrawn by the offering party or owner after three years from final disposition are deemed abandoned and may be disposed of in the clerk's own discretion; to provide that contraband, including controlled substances and firearms, offered in evidence in criminal cases shall be condemned or forfeited and disposed of in accordance with specific statutes relating to their forfeiture; to provide further, that any such controlled substances not forfeited, for whatever reason, shall be destroyed by the clerk with the approval of the presiding circuit judge following the conclusion of the case; to provide that other contraband, including firearms, not so forfeited shall be destroyed in like manner as controlled substances, but only after the expiration of one year from the final disposition of the case, as such term is defined in this Act; to provide that destruction of contraband shall be witnessed as provided in this Act; to provide that other exhibits offered in evidence in criminal cases which are not contraband may be released to the owner or otherwise disposed of as exhibits in civil cases, all as provided in this Act; to provide that receipts must be given for any exhibits not destroyed; and, to provide for notice to the offering party or the owner of his right to claim exhibits prior to their disposition as provided herein.

H. 274. To allow the state of Alabama to have a jury trial in any felony case where that right has been waived by the defendant.

H. 843. To amend Sections 15-19-1 through 15-19-7, Code of Alabama 1975, which relate to crimes committed by a minor, so as to provide further for such status; to provide that a person charged with the crime of capital murder is not eligible to be tried as a youthful offender; and to provide for an effective date.

S. 107. To amend Section 22-50-22, Code of Alabama 1975, which section exempts the superintendent of the mental health board and physicians from state mental facilities from being a witness in certain cases, so as to permit depositions to be taken by the state of such persons in criminal proceedings, upon such notice as is consistent with the Alabama Rules of Civil Procedure.

Rep. Ford, Chairman of the Standing Committee on Military Affairs, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 192. To amend Section 31-2-90, Code of Alabama 1975, which provides for appointment of defense counsel in actions against members of the national guard, so as to make such counsel available at state expense, from the regular or special appropriations for the maintenance of the national guard or the general fund, in the discretion of the governor, when the adjutant general determines that a member of the national guard acted reasonably or in his official capacity in the discharge of any duty under the military code.

S. 191. To amend Section 31-2-89, Code of Alabama 1975, which bars actions or proceedings against members of the national guard for acts done in the discharge of military duty, so as to provide for conditions under which indemnification by the state shall be available to such persons.

S. 330. To permit, upon proper application and approval by the adjutant general of the Alabama National Guard, any eligible veteran to have a ceremonial funeral with honor guard furnished by the Alabama National Guard personnel.

Rep. Laird, Chairman of the Standing Committee on Small Business, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 140. To further amend "The Alabama Business Corporation Act" so as to clarify certain portions of said Act by amending Sections 10-2A-2, 10-2A-26, 10-2A-41, 10-2A-66, 10-2A-79, 10-2A-93, 10-2A-114, 10-2A-117, 10-2A-180, 10-2A-191, 10-2A-192, 10-2A-193, 10-2A-194, 10-2A-195, 10-2A-201, 10-2A-203, 10-2A-232, 10-2A-246, 10-2A-281, 10-2A-301, 10-2A-302, 10-2A-308, and 10-2A-337.

S. 145. To amend Section 28-6-1, Code of Alabama 1975, which provides for the definition of a native farm winery, so as to provide further for said definition.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 918. To alter, rearrange and extend the boundary lines and corporate limits of the City of Centre in Cherokee County, Alabama.

H. 919. Relating to Fayette County; providing further for the discipline and dismissal of deputies sheriff in such county; creating a deputies sheriff discipline and dismissal board therefor; providing for the membership and terms of such board and its authority, responsibilities and duties in such county; and providing for eligibility of deputies sheriff to be entitled to a hearing before such board.

H. 922. To reverse the numbers of House Districts 26 and 25 as designated in Section 1 of Act No. 83-154, H. 1, Second Special Session 1983, approved February 23, 1983.

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 532. To amend Sections 40-17-130, 40-17-131 and 40-17-132 of the State of Alabama 1975, relating to gasohol so as to define the term "alcohol blended fuel" and provide for said motor fuel the same tax exemptions extended to gasohol.

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

S. 175. (With Amendment): To reopen the State of Alabama retirement systems for certain military service; to provide that as a prerequisite to obtaining such credit, said members must be active and contributing members of any of the State of Alabama retirement systems; to provide for the payment by the members of such service; and to provide for its termination.

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 297. To amend Sections 22-50-1 thru 22-50-6, 22-50-8 thru 22-50-17, 22-50-19, 22-50-20 and 22-50-23 of the Code of Alabama 1975, relating to the department of mental health so as to redesignate the department of mental health as the department of mental health and mental retardation; to designate the method of appointing members of the mental health and mental retardation board and to provide that such board shall be advisory, to specifically repeal Section 22-50-7, and to establish the department as a state agency responsible to the governor of Alabama.

S. 188. To amend Sections 40-6-1, 40-6-3, 40-6-4, and 40-6-5, Code of Alabama 1975, so as to reduce the minimum requirements for qualification as supernumerary official created in said Sections, reduce the benefits payable for the minimum qualifications with a step increase to the maximum benefit provided for additional years service, to remove certain limitations, to increase the contribution paid in by officials participating in such program, and to establish a deadline for electing to participate in the program.

S. 419. Relating to exemptions from the payment of state, county and municipal ad valorem taxes, so as to exempt the Presbyterian Apartments

of Birmingham, Inc., the Presbyterian Homes of Decatur, Inc., the Presbyterian Apartments in Northport, Alabama, and the Shoals Presbyterian Apartments, Inc., and the East Alabama Services for the Elderly, Inc., a nonprofit corporation in Lee County, Alabama, or any predecessor organization or entity from the payment of all such state, county and municipal taxes.

H. 560. To make an appropriation from the state general fund for the relief of Clarence Norris who was wrongfully convicted as one of the nine "Scottsboro Defendants."

S. 299. To amend Section 16-8-26, Code of Alabama 1975, which provides for personal leave for teachers, so as to provide further for said leave, and to provide for early retirement for unused accrued sick leave.

S. 236. To amend Sections 16-31-1 and 16-31-4, Code of Alabama 1975, relating to appropriations from the special educational trust fund to state institutions of higher learning for matching American Legion Scholarships, so as to increase such appropriations.

Rep. Turner, Chairman of the Standing Committee on Local Legislation No. 3, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 876. Relating to Mobile County; to amend Act 2431, H. 2569, Regular Session 1971. (Acts 1971, p. 3880), as subsequently amended, which created the Mobile County Racing Commission, so as to provide further for the compensation and qualifications of commission members; to regulate the time period of permits or licenses; to authorize additional types of pools and bets; and to provide for the bank deposit of funds.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 850. (With Amendment): To amend the "Council-Manager Act of 1982", so as to authorize the governing body of any Class 6 city, by resolution, to elect to have the form of government originally prescribed in this act or an alternate form, having a nine-member council, composed of one member elected at large and designated as mayor and eight members elected, two from each of the four districts into which the city is divided, by the qualified electors of the districts respectively, providing for the time for the change in the form of government in such Class 6 cities, authorizing the council of such cities to elect a mayor pro tem, who in such cities will be in lieu of the second councilman-at-large elected in other cities governed by this act, limiting the power of the council of such Class 6 cities to remove a city manager, and making changes needed to reconcile other sections of said act with the above-described changes in the form of government hereby authorized; and, to provide for holding an election in 1983 on the question of the adoption of the council-manager form of government in any Class 6 municipality wherein the municipal governing body has elected to have a nine-member council, with the change in the form of government becoming operative on the first Monday in October 1986; and to limit the time during which this law shall supersede other laws.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following

bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 533. To amend the "Council-Manager Act of 1982", so as to authorize the governing body of any Class 6 city, by resolution, to elect to have the form of government originally prescribed in this act or an alternate form, having a nine-member council, composed of one member elected at large and designated as mayor and eight members elected, two from each of the four districts into which the city is divided, by the qualified electors of the districts, respectively, providing for the time for the change in the form of government in such Class 6 cities, authorizing the council of such cities to elect a mayor pro tem, who in such cities will be in lieu of the second councilman-at-large elected in other cities governed by this act, limiting the power of the council of such Class 6 cities to remove a city manager, and making changes needed to reconcile other sections of said act with the above-described changes in the form of government hereby authorized; and, to provide for holding an election in 1983 on the question of the adoption of the council-manager form of government in any Class 6 municipality wherein the municipal governing body has elected to have a nine-member council, with the change in the form of government becoming operative on the first Monday in October 1986; and to limit the time during which this law shall supersede other laws.

Rep. Biddle, Chairman of the Standing Committee on Health reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 111. To allow persons seventeen years of age or older to donate blood without parental permission.

RESOLUTION

The following resolution was introduced:

By Rules Committee:

H. R. 420. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That the following business in the order named be made the special, paramount and continuing order of business beginning July 14, 1983, taking precedence over any other business of the House.

By Ms. Kennedy:

H. 515 p. 82 Telephone communication bill

By Mr. Rogers:

H. 553 p. 8-S Jefferson County, racing bill

On motion of Rep. Casey, the resolution, H. R. 420, was adopted.

SPECIAL ORDER

The House then proceeded with the consideration of the bills on the Special Order Calendar.

And the bill:

H. 515. (With Amendment): Relating to intercepting or monitoring of customer telephone communications; providing for certain circumstances in which such communications can be monitored; making it a crime to intercept or monitor such communications in other circumstances; and prescrib-

ing penalties for violations under this act.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Judiciary, said committee amendment being as follows:

Amend House Bill 515, Section 2, Page 2, line 13, by adding the following after the word "enforcement" where said word appears thereon:

, or by or at the direction of any party to a message, signal or other communication by telephone,

And the amendment was adopted.

Yeas 54; Nays 2.

Yeas:

Mr. Speaker, Albright, Ashley, Bennett, Brakefield, Brooks, Browder, Buskey, Carter, Casey, Cosby, Davis, Drinkard, Escott, Faulk, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Holley, Horn, Howard, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Lauderdale, McMillan, Mathis, Melton, Murphy, Newman, Parker, Penry, Poole, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Thornton, Trammell, Turner, Venable, Waggoner, Warren, White (L) and Williams.

—54

Nays: Reps.: Mitchell and Starr. —2

AMENDMENT OFFERED

Rep. Kennedy offered the following amendment to the bill, H. 515 as amended:

Amend H.B. 515, Section 5 to read as follows:

Section 5. The provisions of this act shall not apply to railroads or airlines in monitoring, taping or recording radio or telephonic communications necessary to comply with the regulations of the Federal Communication Commission or the requirements for certification by the Civil Aeronautics Board or as necessary to improve safety and the quality of service rendered by the above carriers.

MOTION TO POSTPONE TABLED

On motion of Rep. Kennedy, the motion offered by Rep. Payne to temporarily postpone further consideration of the bill, H. 515 as amended, was tabled.

Yeas 52; Nays 20.

Yeas:

Mr. Speaker, Albright, Ashley, Bennett, Blake, Boles, Browder, Buskey, Campbell, Casey, Coburn, Cosby, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Ford, Freeman, Goodwin, Grimsley, Hall, Hammett, Holley, Horn, Howard, Johnson (A.L.), Johnson (Roy), Junkins, Kennedy, Langford, Lauderdale, Mathis, Melton, Moore, Newman, Parker, Rains, Rice, Richardson, Rogers, Sasser, Thomas, Thornton, Trammell, Turner, Venable, Waggoner, Warren, White (F) and White (L).

—52

Nays:

Reps.: Carter, Flowers, Gaston, Grouby, Johnson (R.G.), Laird, Lewis, McMillan, Mitchell, Murphy, Payne, Scott, Seibels, Smith, Starkey, Starr, Williams, Wilson, Wright and Zoghby.

—20

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 280. To provide for an additional seven workday delay in the payment of salaries to employees of the state of Alabama so that the said salaries will be paid biweekly two weeks in arrears.

Also:

H. 281. Relating to and amending 1975 Code of Alabama, §36-6-1 to amend the second sentence (parts being inapplicable) and to change the words "pay periods" to "pay days," and to provide an effective date.

Also:

H. 446. Relating to public education in this state, to require instruction in cardiopulmonary resuscitation as part of the health curriculum for all tenth grade students in Alabama's public schools, effective September 1, 1983, in certain school systems, and effective September 1, 1984, in all school systems.

Also:

H. 457. To amend further Code of Alabama 1975, Title 33, Section 48, as amended, which relates to the pay of pilots, by revising the schedule of pilots' fees.

Also:

H. 142. To amend Act 82-328 to conform with other states in the Southeast Interstate Low-Level Radioactive Waste Management Compact and to change the effective date.

And finds same correctly enrolled.

JOHN S. CASEY,
Chairman.

SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

H. 515 RESUMED

The question was again on the amendment offered by Rep. Kennedy to the bill, H. 515 as amended.

MOTION TO TABLE LOST

The motion offered by Rep. Minus to table the amendment offered by Rep. Kennedy to the bill, H. 515 as amended, was lost.

Yeas 21; Nays 56.

Yeas:

Reps.: Carter, Flowers, Gaston, Grouby, Harvey, Johnson (R.G.), Kvalheim, Laird, Layton, Lewis, McMillan, Manley, Mitchell, Payne, Preuitt, Scott, Seibels, Starkey, Starr, Waggoner and Wright.

—21

Nays:

Mr. Speaker, Albright, Ashley, Bennett, Biddle, Blake, Boles, Brakefield, Browder, Buskey, Campbell, Casey, Coburn, Cosby, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Ford, Goodwin, Grimsley, Hall, Hammett, Holmes, Horn, Howard, Johnson (A.L.), Johnson (Roy), Junkins, Kennedy, Langford, Lauderdale, Mathis, Melton, Moore, Nicholson, Parker, Penry, Rains, Rice, Richardson, Rogers, Sasser, Stout, Thomas, Thornton, Trammell, Turner, Turnham, Venable, Warren, White (F), White (L) and Zoghby.

—56

AMENDMENT ADOPTED

The question was again on the amendment offered by Rep. Kennedy to the bill, H. 515 as amended, and the amendment was adopted.

Yeas 68; Nays 6.

Yeas:

Mr. Speaker, Albright, Ashley, Bennett, Biddle, Blake, Boles, Brakefield, Browder, Buskey, Campbell, Casey, Coburn, Cosby, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Ford, Freeman, Goodwin, Grimsley, Hall, Hammett, Hettinger, Holley, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Laird, Langford, Lauderdale, McMillan, Mathis, Melton, Moore, Murphy, Newman, Nicholson, Parker, Payne, Penry, Preuitt, Rice, Richardson, Rogers, Sasser, Scott, Starkey, Stout, Thomas, Thornton, Trammell, Tucker, Turner, Venable, Waggoner, Warren, White (F), White (L), Wilson and Zoghby.

—68

Nays: Reps.: Carter, Gaston, Kvalheim, Mitchell, Rains and Starr.

—6

AMENDMENT OFFERED

Rep. Kennedy offered the following amendment #2 to the bill, H. 515 as amended:

Delete Section 7, page 2, lines 30 and 31 and substitute in lieu thereof the following new Section 7:

Section 7. The provisions of this act are supplemental to Sections 13A-11-30 through 13A-11-37, Code of Alabama 1975, and any other provision of existing law not inconsistent herewith, and such existing laws shall not be deemed repealed by this act.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 73; Nays 2.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Blake, Boles, Brakefield, Browder, Buskey, Campbell, Casey, Clark, Coburn, Cosby, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Ford, Freeman, Gaston, Goodwin, Grimsley, Hall, Hammett, Hettinger, Holley, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Langford, Lauderdale, Layton, McMillan, Manley, Mathis, Melton, Murphy, Newman, Nicholson, Parker, Penry, Preuitt, Rains, Rice, Richardson, Rogers, Sasses, Scott, Smith, Starkey, Stout, Thomas, Thornton, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Wilson and Zoghby.

—73

Nays: Reps.: Mitchell and Payne. —2

AMENDMENT OFFERED

Rep. Minus offered the following amendment to the bill, H. 515 as amended:

Amend the Judiciary Committee amendment to House Bill 515 pertaining to Section 2, page 2, line 13, to read as follows:

"<u>, or by or at the direction of the subscriber to the service, or any party to a message, signal or other communication by telephone,</u>"

AMENDMENT TABLED

On motion of Rep. Kennedy, the amendment offered by Rep. Minus to the bill, H. 515 as amended, was tabled.

Yeas 53; Nays 25.

Yeas:

Mr. Speaker, Albright, Ashley, Bennett, Blake, Boles, Bowling, Brakefield, Browder, Buskey, Campbell, Casey, Clark, Clikas, Coburn, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Ford, Freeman, Goodwin, Grimsley, Hall, Hammett, Holley, Horn, Howard, Johnson (A.L.), Johnson (Roy), Kennedy, Langford, Lauderdale, Mathis, Melton, Moore, Nicholson, Parker, Penry, Rains, Rice, Richardson, Rogers, Sasser, Thomas, Thornton, Trammell, Tucker, Turner, Warren and White (F).

—53

Nays:

Reps.: Carter, Coleman, Cosby, Flowers, Gaston, Grouby, Johnson (R.G.), Kvalheim, Laird, McMillan, Mitchell, Murphy, Newman, Preuitt, Scott, Seibels, Smith, Starkey, Starr, Stout, Waggoner, Williams, Wilson, Wright and Zoghby.

—25

AMENDMENT OFFERED

Rep. Starr offered the following amendment to the bill, H. 515 as

amended:

Amend House Bill 515 by adding a new Section 4, on page 2, line 20. Such section to read as follows:

"The provisions of this act shall not apply to the operation of facilities or the furnishing of any long distance telephone service or other telephone service, the pricing of which is based in whole or in part on the duration of a telephone call or the number of calls for which such equipment or facilities are used."

and renumbering all succeeding sections accordingly.

AMENDMENT TABLED

On motion of Rep. Kennedy, the amendment offered by Rep. Starr to the bill, H. 515 as amended, was tabled.

Yeas 46; Nays 36.

Yeas:

Reps.: Albright, Ashley, Bennett, Blake, Boles, Brakefield, Buskey, Casey, Clark, Coburn, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Ford, Goodwin, Grimsley, Hammett, Holley, Horn, Howard, Johnson (A.L.), Johnson (Roy), Kennedy, Langford, Lauderdale, Mathis, Nicholson, Parker, Poole, Rains, Rice, Richardson, Rogers, Sasser, Thomas, Thornton, Trammell, Tucker, Turner, Turnham, Warren, White (F) and Williams.

—46

Nays:

Reps.: Adams, Biddle, Campbell, Carter, Coleman, Cosby, Flowers, Freeman, Gaston, Grouby, Harvey, Hettinger, Johnson (R.G.), Kvalheim, Laird, Layton, Lewis, McKee, McMillan, Manley, Melton, Mitchell, Murphy, Newman, Payne, Scott, Seibels, Smith, Starkey, Starr, Stout, Waggoner, White (L), Wilson, Wright and Zoghby.

—36

MOTION TO POSTPONE TABLED

On motion of Rep. Kennedy, the motion offered by Rep. Minus to postpone the bill, H. 515 as amended, was tabled.

Yeas 53; Nays 24.

Yeas:

Reps.: Albright, Bennett, Blake, Boles, Brakefield, Buskey, Campbell, Casey, Clark, Coburn, Cosby, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Ford, Freeman, Goodwin, Grimsley, Hall, Hammett, Hettinger, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Kennedy, Langford, Lauderdale, Mathis, Melton, Newman, Nicholson, Parker, Rains, Rice, Richardson, Rogers, Sasser, Starkey, Stout, Thomas, Thornton, Trammell, Tucker, Turner, Turnham, Warren, White (F), White (L) and Williams.

—53

Nays:

Reps.: Biddle, Flowers, Gaston, Grouby, Holley, Johnson (Roy), Kvalheim, Laird, Layton, Lewis, McMillan, Manley, Mitchell, Murphy, Payne, Preuitt,

Scott, Seibels, Smith, Starr, Waggoner, Wilson, Wright and Zoghby.

—24

AMENDMENT OFFERED

Rep. Payne offered the following amendment to the bill, H. 515 as amended:

Amend H.B. 515 on page 2, Section 5, line 24, after the word "railroads" by striking the word or and inserting in lieu thereof the following:

, retail stores, or outlets

H. 515 POSTPONED

On motion of Rep. Kennedy, further consideration of the bill, H. 515 as amended and with pending amendment, was postponed.

RULE SUSPENDED

On motion of Rep. Holley, Speaker Pro Tem, Johnson (Roy), ruled that Rule 4(4) was suspended in order to transmit to the Senate, viva voce vote, H. 515, after the Senate adjourned on the twenty-sixth legislative day.

RULING OF THE CHAIR

Rep. Manley appealed to the Speaker Pro Tem Johnson (Roy), on the motion offered by Rep. Holley to suspend Rule 4(4) to transmit the bill, H. 515, to the Senate after the Senate adjourned on the Twenty-sixth legislative day, and the appeal was sustained.

Yeas 54; Nays 41.

Yeas:

Reps.: Adams, Blakeney, Bowling, Box, Brakefield, Brooks, Campbell, Carothers, Carter, Clikas, Coleman, Cosby, Faulk, Flowers, Freeman, Gaston, Grimsley, Grouby, Hammett, Harper, Harvey, Hettinger, Johnson (A.L.), Johnson (R.G.), Kvalheim, Laird, Layton, Lewis, McKee, McMillan, Manley, Mathis, Minus, Mitchell, Murphy, Newman, Payne, Preuitt, Rains, Rice, Sasser, Scott, Seibels, Starkey, Starr, Stout, Turnham, Venable, White (F), White (L), Williams, Wilson, Wright and Zoghby.

—54

Nays:

Reps.: Albright, Ashley, Bennett, Biddle, Blake, Boles, Bryant, Buskey, Casey, Clark, Coburn, Crow, Davis, Drinkard, Dutton, Escott, Goodwin, Hall, Holley, Holmes, Howard, Johnson (Roy), Junkins, Kennedy, Langford, Lauderdale, Martin, Melton, Moore, Nicholson, Parker, Poole, Richardson, Rogers, Smith, Thomas, Thornton, Trammell, Turner, Waggoner and Warren.

—41

H. 515 RESUMED

AMENDMENT TABLED

On motion of Rep. Kennedy, the amendment previously offered by Rep. Payne to the bill, H. 515 as amended, was tabled.

Yeas 50; Nays 33.

Yeas:

Mr. Speaker, Albright, Ashley, Bennett, Blake, Boles, Bowling, Brakefield, Bryant, Buskey, Casey, Clark, Clikas, Coburn, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Goodwin, Grimsley, Hall, Hammett, Harvey, Holmes, Horn, Howard, Johnson (A.L.), Junkins, Kennedy, Langford, Lauderdale, Mathis, Melton, Nicholson, Parker, Poole, Rains, Rice, Rogers, Thomas, Thornton, Trammell, Tucker, Turner, Warren, White (F), White (L) and Williams.

—50

Nays:

Reps.: Adams, Biddle, Blakeney, Brooks, Carter, Cosby, Flowers, Ford, Freeman, Gaston, Grouby, Holley, Johnson (R.G.), Johnson (Roy), Laird, Layton, Lewis, McMillan, Manley, Minus, Moore, Newman, Payne, Penry, Preuitt, Scott, Seibels, Smith, Starr, Turnham, Wilson, Wright and Zoghby.

—33

H. 515 TEMPORARILY POSTPONED

On motion of Rep. Kennedy, the bill, H. 515 as amended, was temporarily postponed.

And the bill:

H. 553. (With Substitute): To relate to Class 1 municipalities (any city with a population of 300,000 inhabitants or more as certified by the 1970 federal decennial census); to create and provide for a racing commission for the regulating, licensing and supervision of horse racing and wagering thereon in any such municipality; to prescribe the composition, appointment, powers, and duties of the Commission; to provide for and regulate the pari-mutuel or certificate method of wagering within the enclosure of a licensed racetrack; to provide for the distribution of license fees, taxes, commissions, and other monies received under the provisions of the act; to provide certain penalties for the violation of this act and for other purposes relative thereto; and to provide for a referendum of the voters of any such municipality on the question of whether the act will become effective in the municipality.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Local Legislation No. 2, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To relate to Class 1 municipalities (any city with a population of 300,000 inhabitants or more as certified by the 1970 federal decennial census); to create and provide for a racing commission for the regulating, licensing and supervision of horse racing and wagering thereon in any such municipality; to prescribe the composition, appointment, powers, and duties of the Commission; to provide for and regulate the pari-mutuel or certificate method of wagering within the enclosure of a licensed racetrack; to provide for the distribution of license fees, taxes, commissions, and other monies received under the provisions of the act; to provide certain penalties for the violation of this act and for other purposes relative thereto; and to provide

for a referendum of the voters of any such municipality on the question of whether the act will become effective in the municipality.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby authorized to be established in each Class 1 municipality (being any city with a population of 300,000 inhabitants or more as certified by the 1970 federal decennial census) (any such municipality being herein called "the municipality") a public corporation and instrumentality of the state to be known as "The _____ [name of Class 1 municipality] Racing Commission." Any said Racing Commission may be referred to herein as "the Commission" or "the Racing Commission" and the terms "Commission" and "Racing Commission" shall refer both to any public corporation authorized to be established by this act and to the governing body of any such corporation. A Commission shall be created and established in a municipality effective upon the certification to the Secretary of State of the State of Alabama of a favorable vote in a referendum called and held pursuant to this act. A Commission shall be vested with the powers and duties specified in this act and all other powers necessary and proper to enable it to execute fully and effectively the purposes of this act. Immediately upon the creation and establishment of a Commission in a municipality, horse racing and pari-mutuel wagering thereon conducted in such municipality in accordance with this act shall be lawful, notwithstanding any other provision of law to the contrary.

A Commission shall be governed by five members appointed in the manner hereinafter prescribed within thirty (30) days after the certification to the Secretary of State of a favorable vote at a referendum called and held pursuant to this act. The lieutenant governor, the speaker of the house of representatives, the mayor of any such municipality, the president or chairman of the governing body of the county in which any such municipality is located, and the principal executive officer of the largest chamber of commerce headquartered in any such municipality shall each appoint one member. The member to be appointed by the president or chairman of such county governing body shall be appointed for a term beginning immediately upon his appointment and ending at noon on July 1 in the first calendar year next following the calendar year in which this act shall become effective; the member to be appointed by the principal executive officer of such chamber of commerce shall be appointed for a term beginning immediately upon his appointment and ending at noon on July 1 in the second calendar year next following the calendar year in which this act shall become effective; the member to be appointed by the mayor of such municipality shall be appointed for a term beginning immediately upon his appointment and ending at noon on July 1 in the third calendar year next following the calendar year in which this act shall become effective; the member to be appointed by the speaker of the house of representatives shall be appointed for a term beginning immediately upon his appointment and ending at noon on July 1 in the fourth calendar year following the calendar year in which this act shall become effective; the member to be appointed by the lieutenant governor shall be appointed for a term beginning immediately upon his appointment and ending at noon on July 1 in the fifth calendar year next following the calendar year in which this act shall become effective. Thereafter, the term of office of each member shall be five years, commencing at noon on July 1 on which the term of the immediate precedessor member shall end.

If at any time there shall be a vacancy among the members, a successor member shall be appointed to serve for the unexpired term applicable to

such vacancy. The appointment of each member (other than those initially appointed), whether for a full five-year term or to complete an unexpired term, shall be made by the same officer who appointed the member whose term shall have expired or is to expire or in whose position on the Commission a vacancy otherwise exists and shall be made not earlier than thirty (30) days prior to the date on which such member is to take office as such. If the term of any member shall expire prior to the reappointment of such member or prior to the appointment of his successor, such member shall continue to serve until his successor is appointed, and if such member is reappointed for a new term after the expiration of the immediately preceding term which he has been serving, his new term of office shall be deemed to have commenced at noon on the July 1 on which the immediately preceding term shall have expired. Members shall be eligible for reappointment without limit as to the number of terms previously served. In the event that an appointing official fails to appoint a member within 30 days after the certification to the Secretary of State of a favorable vote at a referendum called and held pursuant to this act (in the case of an initial appointment), or within 30 days of the end of a term or other vacancy, then a vacancy shall be filled or a successor member appointed by a majority of the members then in office. Appointments shall be made by a written certificate executed by the appointing official and addressed and delivered to the Secretary of State of the State of Alabama, who shall maintain the originals of such certificates as official records in his office.

Section 2. No officer of the State or of any county or municipality shall, during his tenure as such officer, be eligible to serve as a member. Each member, at the time of his appointment, (i) shall be a resident and qualified elector of the county in which the Class 1 municipality is situated, and (ii) shall have been a resident of the State continuously for a period of five years next preceding his appointment. During his term of office, each member shall remain a resident and qualified elector of said county and the failure by any member to remain so qualified during such term shall cause a vacancy of the office of such member.

No member shall vote on or participate in the discussion or consideration of any matter coming before the Commission in which he, his immediate family, or any business enterprise with which he is associated has any direct or indirect pecuniary interest; provided, however, that when any such matter is brought before the Commission any member having an interest therein which may be in conflict with his obligations as a member shall immediately make a complete disclosure to the Commission of any direct or indirect pecuniary interest he may have in such matter prior to removing himself and withdrawing from the Commission's deliberations and vote on the matter presented. In furtherance, and not in limitation of the foregoing provision, no member or employee of the Commission, and no spouse of any such member or employee, shall have any financial interest, direct or indirect, in any horse racetrack or operation incidental thereto subject to the provisions of this act, or in any entity which has submitted an application for a license under this act, or in the operation of any wagering authorized under this act or participate as owner of a horse or otherwise as a contestant in any race subject to the jurisdiction of the Commission, or have any pecuniary interest in the purse or prize contested for in any such race. No member, spouse of a member, or child of a member shall make contributions to a candidate for state or local office or state or local officeholder or cause a contribution to be made on their behalf.

Each member shall receive $50.00 for each day or part thereof spent in the performance of his duties, and, in addition, shall be reimbursed for his

reasonable expenses incurred therein. The above funds shall be paid out of the funds of the Commission and shall be paid to the members in the same manner as the compensation of other municipal officers is paid. A majority of the Commissioners shall constitute a quorum for the transaction of business. No vacancy in the membership of the Commission or the voluntary disqualification or abstention of any member thereof shall impair the right of a quorum to exercise all of the powers and duties of the Commission. Any member of a Commission may be impeached and removed from office in the same manner and on the same grounds provided by Section 175 of the Constitution of Alabama, or successor provisions thereof, and the general laws of the State for impeachment and removal of the officers mentioned in said Section 175, or successor provisions thereof.

The officers of a Commission shall consist of a chairman, vice chairman, executive secretary, treasurer and such other officers as the Commission shall deem necessary or appropriate. The chairman and vice chairman of a Commission shall be elected by the Commission from the membership thereof. The executive secretary and treasurer shall be elected or appointed as hereinafter provided.

Section 4. The governing body of the municipality shall appoint the principal financial officer of the municipality to serve as ex-officio treasurer of the Racing Commission. The treasurer shall collect all the license fees, taxes, and monies provided in this act, and shall supervise, check and audit the operation of the pari-mutuel wagering pools and the conduct and distribution thereof. Funds will be deposited in a state chartered bank in the municipality. The Commission shall authorize payment from funds of the Commission such compensation to the ex-officio treasurer as the Commission finds reasonable and appropriate to compensate him for the duties and responsibilities conferred by this act.

Section 5. The Racing Commission shall have the authority to employ legal counsel of its selection to advise the Commission and represent it in all proceedings. The compensation of such counsel shall be paid out of funds of the Racing Commission.

Section 6. (A) The Commission shall have the powers and duties necessary to regulate and supervise horse racing and pari-mutuel betting incidental thereto, including, without limiting the generality of the foregoing, the powers and duties set forth hereinafter in this section or in other sections of this act.

(1) The Commission shall have succession in perpetuity, subject only to the provisions of this act as it may be amended from time to time.

(2) The Commission shall have the power to sue and be sued in its own name in civil suits and actions and to defend suits against it.

(3) The Commission shall have the power to adopt and make use of an official seal and to alter the same at pleasure.

(4) The Commission shall have the power to adopt, alter and repeal bylaws, regulations and rules, not inconsistent with the provisions of this act, for the regulation and conduct of its affairs and business.

(5) The Commission shall establish and maintain a general business office within the municipality for the transaction of its business at a place to be determined by the Commission. The Commission shall meet at such times and places within the municipality as it shall determine.

(6) The Commission is vested with supervision and authority over all

horse races licensed under the provisions of this act, and over all persons conducting, participating in or attending such races. It shall employ such persons to be present at race meetings as are necessary to ensure that they are conducted with order and the highest degree of integrity, and may require that a licensee pay such salaries to such employees of the Commission as the Commission shall prescribe. It may eject or exclude from any racetrack or from any part thereof any person, whether or not he possesses a permit, whose conduct or reputation is such that his presence may, in the opinion of the Commission, reflect on the honesty and integrity of horse racing or interfere with the orderly conduct of horse racing.

(7) The Commission, its representatives and employees shall visit, investigate and have free access to the office, track, facilities or other places of business of a licensee, and may compel the production of any of its books, documents, records or memoranda for the purpose of satisfying itself that such licensee is truthfully complying with the provisions of this act and the Commissions rules and regulations. The Commission shall require that there be delivered to it annual balance sheet and operating statement of each licensee and also a copy of any management, concession, or other contract to which any licensee is a party.

(8) The Commission shall adopt and publish reasonable rules, regulations and conditions under which all types of racing subject to its jurisdiction, and pari-mutuel wagering, shall be conducted in the municipality, and such other reasonable regulations as it deems necessary and appropriate to carry out the purpose and provisions of this act. Such rules and regulations may include reasonable penalties for violations which shall be in the nature of civil and not criminal penalties.

(9) The Commission may issue subpoenas for the attendance of witnesses before it, administer oaths, and compel production of records or other documents and testimony of such witnesses whenever the Commission finds it necessary and appropriate so to do in order to carry out its duties under this act or to enforce the provisions of this act or rules or regulations adopted pursuant hereto.

(10) The Commission shall have the power to compel a licensee hereunder to file with the Commission such information, including but not limited to, financial statements and information relative to stockholders and all others with any pecuniary interest in such licensee as shall appear to the Commission to be necessary for the performance of its duties hereunder, and may prescribe the manner in which books and records of a licensee shall be kept.

(11) The Commission shall have the power to enter into arrangements with any governmental or nongovernmental agency or association for the purposes of exchanging information, establishing security forces or performing any other act better to ensure the proper conduct of horse racing.

(12) The Commission shall have the power to demand and obtain for its files, the fingerprints of the following persons taken by a representative of a law-enforcement agency of the county, state or federal government, by inspectors of the Commission or by such qualified private security agency as the Commission may designate: (i) Every natural person licensed to hold racing meetings within the municipality; (ii) every person who is an officer or director of a corporation which holds a license, and every employee of a licensee (whose duties relate to the horse racing business in the municipality); (iii) all owners, trainers, jockeys, apprentices, stable employees, managers, agents, blacksmiths or veterinarians, and any person who actively par-

ticipates in the racing action of any licensee; and (iv) members and employees of the Commission.

(13) The Commission shall report annually to the governing body of the municipality and to such state and federal authorities as required by law.

(14) All books, records, maps, documents, and papers of the Commission, including those filed with the Commission as well as those prepared by or for it, shall at all times be open for the personal inspection of any officer of the state of Alabama, or any county, municipality, or other subdivision of the state, or any official investigative body or committee, and no person having charge or custody thereof shall refuse this right to any officer or investigative body or committee, and it shall be the express duty of such person to assist such officer or committee in locating records or information desired by them. If any member of the Commission violates the provisions of this section, he shall be subject to removal from office.

(15) The Commission shall appoint an executive secretary and such other employees as it deems essential to perform its duties under this act. Such employees shall possess such authority and perform such duties as the Commission shall prescribe or delegate to them. Such employees may include stewards, chemists, veterinarians, inspectors, accountants, guards, and such other employees deemed by the Commission to be necessary for the supervision and the proper conduct of the highest standard of horse racing. Such employees shall be compensated as provided by the Commission.

(16) The executive secretary, in addition to any other duties, prescribed by the Commission, shall keep a true and full record of all proceedings of the Commission and preserve at the Commission's general office all books, documents and papers of the Commission. Neither the executive secretary, nor spouse thereof, shall make any contributions to any candidate for public office or public officeholder at the local or state level, nor shall anyone make any such contributions on behalf of the executive secretary or such spouse.

Section 7. Any person aggrieved by a refusal of the Commission to issue any license or permit, or suspension or revocation of a license or permit, imposition of a fine, or any other action of the Commission, may, within thirty (30) days of such action, appeal to the circuit court of the county in which the municipality is located. If the court finds that the action of the Commission was arbitrary, it shall order the issuance or reinstatement of such license or permit, abatement of such fine, or such other action as it deems appropriate. The decision of the court shall be subject to appeal as in other cases at law.

Section 8. Whenever it appears to the Commission that any person has been violating or may violate any provision of this act or any reasonable rule or regulation or final decision of the Commission, it may apply to the circuit court of the county for an injunction against such person. The order granting or refusing such injunction shall be subject to appeal as in other cases in equity.

Section 9. No person shall construct or establish a horse racetrack where race meetings are to be held and pari-mutuel wagering permitted, or own any such track or facilities in the municipality, unless he has obtained an owner's license issued by the Commission in accordance with the provisions of this act, which license when granted shall authorize the holder thereof to contract, establish and own in the municipality a horse racetrack where race meetings are held and pari-mutuel wagering permitted in compliance with this act.

No person shall operate pari-mutuel wagering or conduct any race meeting at which wagering is permitted with his knowledge or acquiescence in the municipality unless he has obtained an operator's license under the provisions of this act, which license when granted shall authorize the holder thereof to operate pari-mutuel wagering or conduct a race meeting at which pari-mutuel wagering is permitted in the municipality in compliance with this act.

No license issued under the provisions of this act shall be transferable without the approval of the Commission to be given or withheld under rules and regulations adopted by the Commission.

Section 10. Any person desiring to construct or own a racetrack at which pari-mutuel wagering is permitted shall file with the Commission an application for an owner's license. Such application shall be filed at the time and place prescribed by the Commission and shall be in such form and contain such information as may be prescribed by the Commission, including the following:

(1) The name and address of such person; if a corporation, the state of its incorporation, the full name and address of each officer and director thereof; if a foreign corporation, whether it is qualified to do business in the state of Alabama; and if a partnership or joint venture, the name and address of each general partner thereof.

(2) The name and address of each stockholder or member of such corporation, or each general partner of such partnership or joint venture, and of each person who has contracted for a pecuniary interest in the applicant or the facilities at which such race meeting or pari-mutuel wagering will be conducted, whether such interest be an ownership or a security interest, and the nature and value of such interest, and the name and address of each person who has agreed to lend money to the applicant. In the event that the applicant proposes, subsequent to the award of an owner's license, to arrange further financing through a sale of stock, partnership interests, or other equity interest or the issuance of debt securities, the entering into of financing leases or otherwise borrowing money, then the Commission may grant an owner's license which sets forth conditions to be met in arranging such further financing or which reserves to the Commission the right to approve any or all aspects of such further financing.

(3) Such information as the Commission deems appropriate regarding the character and responsibility of the applicant and the members, partners, stockholders, officers and directors of the applicant.

(4) The location and description of the racetrack, place or enclosure where such applicant proposes to hold race meetings. The Commission may require such information about the facilities and location of the track as it deems necessary and appropriate to determine whether they comply with the minimum standards provided in this act, and whether the conduct of race meetings at such location would be in the best interests of the people of the state and the municipality.

(5) Such information relating to the financial responsibility of the applicant as the Commission deems appropriate.

(6) If any of the facilities necessary for the conduct of racing or pari-mutuel betting are to be leased, the terms of such lease.

(7) Any other information which the Commission in its discretion deems appropriate.

(8) The application filed hereunder shall be verified by the oath or affirmation of an officer of the applicant, and shall be accompanied by a nonrefundable fee of $15,000.

Section 11. (A) The Commission shall promptly consider any application for an owner's license, and grant or deny such license based on all information before it, including any investigations it deems appropriate. The Commission shall deny a license to any applicant unless it finds that the applicant's facilities will meet the following minimum standards:

(1) That the facility provides a track for standardbred racing of at least five-eighths of a mile, and a track for flat racing of at least one mile.

(2) That the facilities be appropriate for the conduct of year-round racing and for night racing.

(B) The Commission shall deny a license to an applicant if it finds that for any reason the issuance of a license to the applicant would not be in the interest of the people of the municipality, or that the applicant, or any officer, general partner, or director of the applicant:

(1) Has knowingly made a false statement of a material fact in the application, or has deliberately failed to disclose any information called for in the application;

(2) Is or has been guilty of any corrupt or fraudulent act, practice or conduct in connection with any horse race meeting in this or any other state;

(3) Has had a license or permit to hold or conduct a horse race meeting denied for just cause, suspended or revoked in any other state or country; or

(4) Is not qualified to do business in Alabama, or is not subject to the jurisdiction of the courts of the State.

Section 12. The owner's license issued under this act shall be for a period determined by the Commission, not to be less than 25 years, but shall be reviewed annually. The Commission shall designate on the license the duration of such license, the location of the proposed track, and such other information as it deems proper.

The Commission may require a bond with surety acceptable to it in an amount determined by it to be sufficient to cover the maximum indebtedness anticipated to be incurred by the licensee to the Commission in any year. The amount of such bond may be adjusted from time to time as the Commission may require.

It shall be the policy of the Commission to permit widespread ownership of stock or limited partnership interests in a corporation or partnership holding an owner's license and owning a racetrack facility.

The Commission may require the licensee to pay the Commission a license fee of $2,000 per month for a period beginning six months from the date of issuance of the owner's license to the date of the beginning of operation of the track. The license fee shall be used by the Commission for operating expenses prior to the beginning of operation of the racetrack.

Section 13. (A) Any corporation desiring to hold a race meeting at which pari-mutuel wagering is permitted shall file with the Commission an application for an operator's license. Such application may be made in conjunction with an application for an owner's license. It shall be filed at the time and place prescribed by the Commission and contain such information

as prescribed by the Commission, including all information prescribed for an owner's license under this act.

(B) Any application filed hereunder shall be verified by the oath or affirmation of an officer of the applicant, and shall be accompanied by a nonrefundable fee of $10,000.

Section 14. The Commission shall promptly consider any application for an operator's license, and grant or deny such license based on all information before it, including any investigation it deems appropriate. The Commission shall deny a license to any applicant unless it finds:

(1) That such applicant is a corporation organized under Title 10 of the Code of Alabama 1975, or comparable law or laws of another state, and qualified to do business in Alabama;

(2) If the corporation is a stock corporation, that no one person owns more than thirty percent (30%) in voting rights or value of the stock of such corporation, and that no family group, which shall mean any person, his spouse, and his parents, owns more than fifty percent (50%) in voting rights or value of the stock of such corporation; if the corporation is a nonstock corporation, that there are at least ten members, and that no more than twenty percent (20%) of the membership belongs to any family group;

(3) That fifty percent (50%) in voting rights and value of the stock corporation is owned by residents of Alabama, or that fifty percent (50%) in voting rights of the membership of such nonstock corporation are residents of Alabama, that all stockholders of members have submitted to the jurisdiction of the Alabama courts, and all nonresident stockholders or members have designated the executive secretary of the Commission as their agent for process;

(4) In the case of a stock corporation, if stock the holders of which are entitled to vote on any matter is held by more than 50 persons, then not less than sixty percent (60%) of the members of the board of directors of the corporation shall be residents of Alabama;

(5) The applicant's articles or certificate of incorporation or other corporate documents provide that the corporation may, on vote of a majority of the stockholders or members, purchase at fair market value the entire stock or interest of any stockholder, or require the resignation of any member, who is or becomes unqualified for such position under this act;

(6) That the applicant would be qualified for a license to own such racetrack facilities under the provisions of this act;

(7) That the applicant shall make provisions satisfactory to the Commission for the detection and prosecution of any corrupt or fraudulent act, practice, or conduct in connection with any race meeting, and that the applicant shall utilize the services of a protective agency acceptable to the Commission; and

(8) That the applicant shall obtain and maintain membership in such racing associations (as, for example, the Thoroughbred Racing Association, the American Quarter Horse Association, the United States Harness Association) as the Commission finds necessary or desirable to assist an operator to operate race meetings.

Section 15. The operator's license issued under this act shall be for a period determined by the Commission, not to be less than 25 years, but shall be reviewed annually.

The operator's license issued under this act shall permit the corporation to hold and conduct one or more race meetings at the licensed track each year. Races may be conducted six days or nights a week throughout the year, but not on Sunday.

Any license issued under this act shall designate on its face the corporation to whom issued, the location of the track where meetings are to be conducted, the period during which such license is in effect and such other information as the Commission deems proper.

The Commission shall require a bond with surety acceptable to it, and in an amount determined by it to be sufficient to cover the maximum indebtedness anticipated to be incurred by such licensee to the Commission in any year. The amount of such bond may be adjusted from time to time as the Commission may require.

Section 16. The Commission may suspend or revoke any license or fine the holder thereof not to exceed $5,000 after hearing with 15 days' notice in any case where it has reason to believe that any provision of this act or any reasonable rule or regulation of the Commission has not been complied with or has been violated. Annually, the Commission shall review the performance of each licensee for compliance with the provisions of this act and the rules and regulations of the Commission.

Deliberations of the Commission under this section may be conducted in executive session, unless otherwise requested by the licensee. If any such license is suspended or revoked, the Commission shall state its reason for doing so, which shall be entered of record. Such action shall be final unless appealed in accordance with the provisions of this act.

Section 17. Any person desiring to acquire stock in, or become a member of, the corporation which holds an operator's license hereunder shall apply to the Commission on a form prescribed by it for approval of such acquisition or membership. The Commission shall consider such application forthwith, and may, if it finds it necessary, demand additional information of the proposed transferee or member. If in its judgment the acquisition or membership would be detrimental to the public interest, to the honesty and integrity of racing, or to its reputation, the application shall be denied. If the application is not denied within 30 days, it shall be deemed approved. It shall be the policy of the Commission to permit widespread ownership of stock among residents of Alabama.

Section 18. No person shall participate in any horse racing subject to the jurisdiction of the Commission or in the conduct of a race meeting or pari-mutuel betting thereon, whether as a horse owner, trainer, jockey, exercise boy, groom, stable foreman, valet, veterinarian, agent, pari-mutuel employee, concessionaire or employee thereof, or track employee, or enter the track enclosure in any capacity other than as a spectator, unless such person possesses a permit therefor from the Commission and complies with the provisions of this act and all reasonable rules and regulations of the Commission. No permit issued under this section shall be transferable.

Section 19. Any person desiring to obtain a permit as required by this act shall make application therefor on a form prescribed by the Commission. Each applicant, or the chief executive officer of any corporation or managing partner of any partnership applying for an owner's permit, shall be photographed and fingerprinted and shall supply such information as the Commission may require. Such information shall include a description of any convictions for a felony of such applicant or officer during the previous

10 years. The application shall be accompanied by a fee prescribed by the Commission which may vary in amount for each person but shall not exceed $20.

Any application filed hereunder shall be certified by the oath or affirmation of the applicant.

Section 20. (A) The Commission shall promptly consider any application for a permit and issue or deny such permit based on the information in the application and all other information before it, including any investigation it deems appropriate. If an application for a permit is approved, the Commission shall issue a permit which shall contain such information as the Commission deems appropriate. Such permit shall be valid for one year.

(B) The Commission shall deny the application and refuse to issue the permit, which denial shall be final unless an appeal is taken under the provisions of this act, if it finds that the issuance of such permit to such applicant would not be in the interest of the applicant, the people of the municipality, or the horse racing industry in the municipality, or that the applicant:

(1) Has knowingly made a false statement of a material fact in the application, or has deliberately failed to disclose any information called for by the application;

(2) Is or has been guilty of any corrupt or fraudulent practice or conduct in connection with any horse race meeting in this or any other state;

(3) Has failed to comply with the provisions of this act or the reasonable rules and regulations of the Commission;

(4) Has had a permit to engage in activity related to horse racing denied for just cause, suspended or revoked in any other state, and such denial, suspension or revocation is still in effect; or

(5) Is unqualified to perform the duties required for the permit sought.

Section 21. The Commission may suspend or revoke a permit issued under this act or fine the holder of such permit not to exceed $1,000 after hearing with 15 days' notice to the permittee, in any case where it has reason to believe that any provision of this act, or any reasonable rule or regulation of the Commission, has not been complied with, or has been violated. The Commission may revoke such permit, after such hearing, if it finds that the facts not known by it at the time it was considering the application indicate that such permit should not have been issued. Deliberations of the Commission under this section may be conducted in executive session unless otherwise requested by the permittee. If any permit is suspended or revoked, the Commission shall state its reasons for doing so, which shall be entered of record. Such action shall be final unless an appeal is taken in accordance with the provisions of this act.

Section 22. Pari-mutuel wagering conducted by a licensee shall be conducted in accordance with the provisions of this section. A licensee shall distribute all sums deposited in any pari-mutuel pool where the patron is required to select one horse to the winners thereof, less an amount which shall not exceed the sum of (i) seventeen percent (17%) of the total deposits and (ii) "the breaks." In every pool where the patron is required to select two horses, the licensee shall distribute all sums deposited in each pool to the winners thereof, less an amount which shall not exceed the sum of (i) nineteen percent (19%) of the total deposits and (ii) "the breaks." In every pool where the patron is required to select three or more horses, a licensee

shall distribute all sums deposited in each pool to the winners thereof, less an amount which shall not exceed the sum of (i) twenty five percent (25%) of the total deposits and (ii) "the breaks." The amount of each redistribution for each winning bet placed shall be determined by dividing the total amount remaining in the pool after the deductions hereinabove provided by the number of bets placed on the winning horse. Each redistribution shall be made in a sum equal to the next lowest multiple of ten cents. The licensee is entitled to retain the odd cents of all redistributions to be known as the "breaks to a dime," or "breaks," and all monies represented by an unclaimed, uncashed, or abandoned pari-mutuel ticket known as "outs" money; provided, that no pari-mutuel ticket shall be deemed to be unclaimed, uncashed, or abandoned, unless not presented for payment for six months from the date of the running of the race to which such pari-mutuel ticket pertains. Under the pari-mutuel system of wagering herein provided, the licensee shall be permitted to provide separate pools for bets to win, place, and show, and pools for combination bets such as daily double, exacta and double exacta bets. Each pool shall be redistributed separately as herein provided. Should there be no ticket bet on the winning horse, the entire pool shall be divided among the holders of tickets on the horse running next in line until the pool has been redistributed to the contributors. The licensee shall be required to use a totalizator machine to record the wagering and compute the odds. Rules and regulations governing the operation of each of the pools shall be published in book form by the Commission. A licensee shall pay to the treasurer of the Commission for the use of the Commission out of that portion of pari-mutuel pools retained by such licensee a tax in an amount equal to four and twenty-six hundredths percent (4.26%) of the total contributions to all pari-mutuel pools at races conducted by such licensee. Licensees shall make payment of all amounts due the Commission to the treasurer of the Commission for each quarter year by the twenty-fifth day of the month following the end of each calendar quarter.

Section 23. The governing body of any such municipality may by ordinance impose a tax on the corporation licensed hereunder to conduct the race meetings of $.25 on the admission of each person on each day of such meeting, except those holding a valid permit under this act and actually employed at such track in the capacity for which such permit was issued. The licensee may collect such amount from the ticket holder in addition to the amount charged for the ticket of admission.

Section 24. The license fees, commissions, and excise taxes imposed herein shall be in lieu of all license, excise, and occupational taxes to the state of Alabama, or any county, city, town, or other political subdivision thereof.

Section 25. All fees, commissions, taxes, and other monies including fines and forfeitures received under the provisions of this act shall be paid to the treasurer of the Commission, and deposited by said treasurer to the account of the Commission. All such monies remaining after payment of expenses incurred in the administration of this act, including the payment of the salaries and expenses of the members and employees of the Commission, shall be allocated and paid not less frequently than once a year as follows:

(1) 21 percent to the City of Birmingham;

(2) 5 percent to the University of Alabama in Birmingham;

(3) 4 percent to Miles College;

(4) 4 percent to the Metropolitan Development Board;

(5) 2 percent to Jefferson State Junior College;

(6) 2 percent to Bessemer Technical College;

(7) 2 percent to Lawson State Junior College;

(8) 2 percent to the Jefferson County Committee for Economic Opportunity;

(9) 13 percent to the Jefferson County Commission to be deposited in the general fund of Jefferson County;

(10) 3 percent to the Birmingham Jefferson Transit Authority;

(11) 20 percent to all school systems in Jefferson County to be divided on A.D.A.;

(12) 1 percent to Tannehill State Park;

(13) 1 percent to the Jefferson County Sickle Cell Foundation;

(14) 2 percent to the Jefferson County Fire Districts to be distributed by paid membership in each district;

(15) 1 percent to the Center for Developmental Learning Disorders and State Virology Laboratory at the University of Alabama in Birmingham to be divided equally;

(16) 1 percent to the Jefferson County Civil Defense Department;

(17) 2 percent to Cooper Green Hospital;

(18) 4 percent to Childrens Hospital;

(19) 1 percent to the Birmingham Convention and Visitors Bureau;

(20) 1 percent to the Research Development and Scholastic Assistance Fund for Science and Technology;

(21) 2 percent to the Shelby County Board of Education for kindergarten units;

(22) 6 percent to be distributed to the remaining municipalities in Jefferson County other than the City of Birmingham on the basis of their population according to the last federal decennial census; and

(23) 1 percent to the Birmingham Academic Enhancement Society.

If any of the foregoing allocations and payments should be declared invalid or should fail for any reason, such declaration or failure shall not affect the remaining allocations and payments, but the amount of the allocation or payment so declared invalid or failing shall be divided among the other institutions and purposes listed above in proportion to their respective shares of the total amount allocated and paid prior to such declaration or failure.

Section 26. No corporation, association, or person shall directly or indirectly hold a horse race or conduct pari-mutuel wagering in relation thereto without having procured a license prescribed in this act.

Section 27. No person who engages in the practice of professional gambling on horse races, or in the practice of making gambling or wagering books on such races, or who knowingly takes any part in such practice, shall be eligible as an applicant for any license or permit to operate a racetrack or

race meeting under the provisions of this act, or to be connected therewith in any capacity and any association or corporation which has an officer, director, stockholder, executive or who employs any person who engages in such practices shall likewise be ineligible as a licensee, and the Commission is hereby empowered to inquire into such matters in entertaining any such application and otherwise in administering this act.

Section 28. No person shall influence or have any understanding or connivance with any owner, trainer, jockey, driver, groom, or other person associated or interested in any stable, horse or race in which any horse participates, to prearrange or predetermine the results of any such race nor shall any person stimulate or depress a horse for the purpose of effecting the results of a race, by use of any electrical device or any electrical equipment or by any mechanical or other device not generally accepted as regulation racing equipment nor shall any person stimulate or depress a horse, or knowingly enter any horse in any race within a period of twenty-four hours after any drug has been administered to such horse for the purpose of increasing or retarding the speed of such horse.

Section 29. No person shall, except for medical purposes, administer any poison, drug, medicine or other substance to any horse entered or about to be entered in any race or expose such substance to a horse with the intent that it be taken, or cause to be taken by or placed upon or in the body of such horse any foreign substance, with intent to impede or increase its speed, endurance, health or physical or mental condition.

Section 30. No person shall transmit or communicate to another by any means whatsoever the results, changing odds, track conditions, or other information relating to any horse race from any racetrack in any such municipality between the period of time beginning one hour prior to the first race of the day and ending 30 minutes after the posting of the official results of each race, as to that particular race, except this period may be reduced to permit the transmitting of the result of the last race each day not sooner than 15 minutes after the official posting of such results; provided, however, that the Commission may by rule, permit the immediate transmission by radio, television, or press wire of any pertinent information concerning feature races.

No person shall transmit by any means whatsoever racing information to any other person or relay the same to any other person by word of mouth, by signal, or by use of telephone, telegraph, radio, or any other means when the information is knowingly used or intended to be used for illegal gambling purposes.

Section 31. The possession or transportation of any drug except those permitted by regulations of the Commission within the racing enclosure is prohibited except upon a bona fide veterinarian's prescription with complete statement of uses and purposes on the container. A copy of such prescription shall be filed with the stewards.

Section 32. Any credential, license or permit issued by the Commission if used by the holder thereof for a purpose other than identification and in the performance of legitimate duties on a racetrack shall be automatically revoked whether so used on or off a racetrack.

Section 33. No person shall knowingly enter or race any horse in any running or harness race under any name or designation other than the name or designation assigned to such horse by and registered with the Jockey Club, the United States Harness Association, the American Quarter Horse

Association or other applicable association or knowingly instigate, engage in or in any way further any act by which any horse is entered or raced in any running or trotting race under any name or designation other than the name or designation duly assigned by and registered with the Jockey Club, the United States Harness Association, the American Quarter Horse Association or other applicable association.

Section 34. No person shall wager on or conduct any wagering on the outcome of a horse race pursuant to the provisions of this act unless such person be nineteen years of age, or older. No person shall accept any wager from a minor.

Section 35. It is the intent of this act to improve the economic well-being of the citizens of Class 1 municipalities in Alabama by providing an increased tax base, jobs for the citizens of any such municipality and promotion of tourism and recreation in the municipality and Alabama. It is further the intent of this act to provide for strict local control of the racing plant or plants and the operation of said plants by local citizens so as to minimize the possibility of undesirable gambling elements from ever controlling the industry.

Section 36. The governing body of the municipality shall call and provide for holding a referendum for the purpose of determining if this act shall become operative. The initial referendum shall be held not less than 30 days nor more than 90 days after the effective date of this act and shall be advertised, held, conducted and the results thereof canvassed in the manner provided by law for advertising, holding, and canvassing other city elections and as said governing body shall provide in the resolution or ordinance calling such election. The question to be voted on shall be stated on the ballots or voting machine tags substantially as follows:

"Do you favor the creation of the _____ [insert the name of municipality] Racing Commission to regulate licensing and supervision of horse racing and wagering thereon as provided in Act No. _____ [insert act number] adopted at the 1983 Regular Session of the Legislature of Alabama?"

If the majority of the votes cast in the referendum are "Yes", horse racing and pari-mutuel wagering in relation thereto shall be legal in the municipality and this act shall become operative therein; if the majority of the votes cast in the election are "No", this act shall have no further effect, unless the governing body of the municipality should later call another referendum. One or more subsequent referenda may be called by the governing body of a Class 1 municipality if the question submitted at the initial or subsequent referendum fails to receive a majority of favorable votes; provided, that not more than one referendum may be called in each calendar year. Once established, a Commission may not be disestablished except by act of the legislature. The Probate Judge of the county wherein any such municipality is located shall certify the results of the referendum to the Secretary of State of Alabama within 30 days after the election returns are canvassed.

Section 37. The provisions of this act are expressly declared to be severable. If any provision of this act shall be adjudged to be invalid by any court of competent jurisdiction, such judgment shall not affect, impair or invalidate the remainder of this act, and the operation of such judgment shall be limited to the provision thereof directly involved in the action in which such judgment shall have been rendered.

Section 38. All laws or parts of laws in conflict with this act are repealed.

Section 39. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 37; Nays 12.

Yeas:

Reps.: Bennett, Boles, Bowling, Bryant, Buskey, Clark, Coleman, Cosby, Davis, Escott, Hall, Hettinger, Holmes, Howard, Johnson (Roy), Junkins, Kennedy, Langford, Layton, Lewis, Mathis, Melton, Murphy, Newman, Poole, Preuitt, Rogers, Scott, Seibels, Smith, Thomas, Thornton, Tucker, Waggoner, Williams, Wright and Zoghby.

—37

Nays: Reps.: Blake, Brakefield, Clikas, Grouby, Holley, Johnson (R.G.), McKee, Nicholson, Payne, Trammell, Turner and Turnham.

—12

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 553, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 33; Nays 31.

Yeas:

Reps.: Bennett, Boles, Bowling, Bryant, Buskey, Clark, Coleman, Cosby, Davis, Escott, Freeman, Hall, Hettinger, Holmes, Horn, Howard, Kennedy, Langford, Lewis, Mathis, Melton, Minus, Murphy, Newman, Preuitt, Rogers, Scott, Seibels, Thomas, Thornton, Tucker, White (L) and Zoghby.

—33

Nays:

Mr. Speaker, Adams, Biddle, Blake, Brakefield, Carter, Casey, Drinkard, Ford, Grimsley, Grouby, Hammett, Holley, Johnson (R.G.), Johnson (Roy), Layton, McKee, Manley, Mitchell, Moore, Nicholson, Payne, Poole, Smith, Starr, Trammell, Turner, Turnham, Waggoner, Warren and Wright.

—31

H. 515 RESUMED

And the bill, H. 515 as thus amended, was read a third time at length and passed.

Yeas 58; Nays 23.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Brooks, Bryant, Buskey, Carothers, Casey, Clark, Cosby, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Ford, Freeman,

Goodwin, Grimsley, Hall, Hammett, Harper, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Langford, Lauderdale, McKee, Mathis, Melton, Moore, Newman, Nicholson, Parker, Penry, Poole, Rains, Rice, Rogers, Sasser, Stout, Thomas, Thornton, Trammell, Tucker, Turner, Turnham, Venable, Warren, White (F), White (L), Williams and Zoghby.

—68

Nays:

Reps.: Carter, Clikas, Flowers, Gaston, Grouby, Kvalheim, Laird, Layton, Lewis, McMillan, Manley, Minus, Mitchell, Murphy, Payne, Scott, Seibels, Smith, Starkey, Starr, Waggoner, Wilson and Wright.

—23

MOTION TO SUSPEND RULE LOST

The motion offered by Rep. Kennedy to suspend Rule 4(4) to transmit the bill, H. 515 as amended, was lost, lacking a four-fifths vote.

Yeas 61; Nays 26.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Brakefield, Bryant, Buskey, Carothers, Casey, Clark, Coburn, Cosby, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Ford, Goodwin, Grimsley, Hall, Hammett, Holley, Holmes, Horn, Howard, Johnson (A.L.), Johnson (Roy), Junkins, Kennedy, Langford, Lauderdale, Mathis, Melton, Moore, Newman, Nicholson, Parker, Penry, Poole, Rains, Rice, Richardson, Rogers, Sasser, Stout, Thomas, Thornton, Trammell, Tucker, Turner, Turnham, Warren, White (F) and Williams.

—61

Nays:

Reps.: Brooks, Carter, Clikas, Flowers, Gaston, Grouby, Harvey, Johnson (R.G.), Kvalheim, Layton, Lewis, Manley, Minus, Mitchell, Murphy, Payne, Preuitt, Scott, Seibels, Smith, Starkey, Starr, White (L), Wilson, Wright and Zoghby.

—26

RESOLUTIONS

The following resolutions were introduced:

By Rules Committee:

H. R. 421. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That the following business in the order named be made the special, paramount and continuing order of business beginning July 14, 1983, taking precedence over any other business of the House.

Report of Standing Committees

Introduction of Bills and Resolutions

Uncontested Local Bills

Unfinished Business

And the Following Bill

By Mr. deGraffenried:

S. 58 p.11-S New Constitution

MOTION TO ADOPT

Rep. Casey offered the motion to adopt the resolution, H. R. 421.

SUBSTITUTE MOTION LOST

The substitute motion offered by Rep. Rice that the House adjourn until 10:00 o'clock a.m., Friday, July 22, 1983, was lost.

Yeas 9; Nays 86.

Yeas:

Reps.: Clikas, Harper, Lewis, Mathis, Payne, Rice, Scott, Trammell and Turnham.

—9

Nays:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Campbell, Carothers, Carter, Casey, Clark, Coburn, Coleman, Cosby, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Laird, Langford, Lauderdale, Layton, McKee, McMillan, Manley, Martin, Melton, Mitchell, Moore, Murphy, Newman, Nicholson, Parker, Penry, Poole, Preuitt, Rains, Richardson, Rogers, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Tucker, Turner, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson and Zoghby.

—86

H. R. 421

The question was then on the motion offered by Rep. Casey that the House adopt the resolution, H. R. 421, and the resolution was adopted.

Also:

By Rep. Sasser:

H. J. R. 422. Commending and Honoring Judge Val L. McGee.

WHEREAS, Judge Val L. McGee, District Court Judge of Dale County has operated his court in an exemplary fashion in the prosecution of alcohol related offenses with full emphasis placed on deterrence of drunk driving as well as striving to rehabilitate the problem drinker, and

WHEREAS, Judge Val L. McGee, has utilized referrals to Dale County Alcohol Abuse Services coupled with weekly attendance at Alcoholics Anonymous and monthly reports to the court to punish and at the same time rehabilitate repeat DUI offenders, and

WHEREAS, the 1983 Session of the Alabama Legislature recognized the life threatening problem of drunk driving and applauds Judge Val L. McGee for his continuing effort to do his part in helping to stop the death and destruction caused each year on the highways of Alabama and the nation by drunk drivers, and

WHEREAS, Judge Val L. McGee's initial draft of a bill to strengthen the D.U.I. laws sparked numerous suggestions and alternatives resulting in tough legislation during the 1983 Session of the Alabama Legislature to address the DUI problem in the State of Alabama, Now Therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, Both Houses thereof concurring, that we most highly commend Judge Val. L. McGee for his time proven method of punishing while at the same time attempting to rehabilitate the repeat DUI offender in his court.

On motion of Rep. Sasser, the rules were suspended and the resolution, H. J. R. 422, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Blakeney:

H. R. 423. HONORING MRS. DOVIE CLANTON, THOMASVILLE, ALABAMA, ON HER RETIREMENT.

Also:

By Reps. Smith, Murphy and Moore:

H. J. R. 424. COMMENDING DR. JAMES F. VICKREY, PRESIDENT OF THE UNIVERSITY OF MONTEVALLO.

WHEREAS, the Alabama Legislature notes that Dr. James F. Vickrey, Jr., President of the University of Montevallo and a catalyst among academicians, was honored recently as "Outstanding Administrator of the Year" for 1982-83, bestowed by the Alabama Association of College Administrators, the Alabama Association of Women Deans, Administrators and Counselors, the Alabama Association of Colleges and Universities and the Alabama Association of University Administrators; and

WHEREAS, the Alabama Legislature notes that this prestigious honor has been well placed in Dr. Vickrey; and

WHEREAS, Dr. Vickrey has earned many accolades for his administrative acumen and his innovative leadership as President of the University of Montevallo since 1977; and

WHEREAS, Dr. Vickrey was one of the founders and former president of Alabama Association of Colleges and Universities and recently was the recipient of the "John Buchanan Award" for his contribution to student financial aid in Alabama; and

WHEREAS, Dr. Vickrey has given generously of his time and talents for the improvement of higher education throughout the state; and

WHEREAS, Dr. James F. Vickrey, Jr., is a member of the Speech Communication Association, the Council for the Advancement and Support of Education, serving as a member of the national government relations committee; the American Association of State Colleges and Universities, where he served as a member of the policies and purposes committee; the American Council of Education, where he served as a charter member of the self-regulation committee; the American Association of University Administrators; and the President's Council of the National Association of Intercollegiate Athletics; and

WHEREAS, he helped to found and served as president of the Alabama Association of Colleges and Universities; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do most highly commend Dr. James F. Vickrey, Jr., as one of our state's most outstanding educators and particularly for this latest honor of "Outstanding Administrator of the Year," 1982-83.

BE IT FURTHER RESOLVED, That Dr. James F. Vickrey, Jr., receive a copy of this resolution so that he may know of our esteem and admiration.

On motion of Rep. Smith, the rules were suspended and the resolution, H. J. R. 424, was adopted.

Also:

By Reps. Drinkard, Ford, Starr, Casey, Junkins, Crow Johnson, RG, Blake, Campbell, Laird, Browder Grouby, Manley, Cosby, Stout, Zoghby, Turner, Smith and Venable:

H. J. R. 425. CREATING AN INTERIM LEGISLATIVE COMMITTEE TO ASSESS THE NON-FEDERAL ASPECTS AND RESPONSIBILITIES INVOLVED IN COMPLETING THE COOSA RIVER NAVIGATION PROJECT.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint interim committee to be composed of four members of the House to be appointed by the Speaker and four members of the Senate to be appointed by the Lieutenant Governor. The committee shall continue to exist until November 1, 1986, at which time it shall terminate. The committee, which shall be named the "Coosa River Study Committee," shall study those aspects of the proposed Coosa River Navigation Project which involve the State of Alabama. Priority will be given to the benefits to be derived, funding the non-Federal portion of the costs and meeting the responsibilities of the Coosa Valley Development Authority as the designated local sponsor. The committee shall elect at the first meeting a chairman and vice chairman from among their members.

Upon the request of the chairman, the Secretary of the Senate and the Clerk of the House shall provide such clerical assistance as may be necessary for the committee's work. Each member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the Legislature, upon warrants drawn on the state comptroller upon requisitions signed by the committee's chairman; provided, however, that members shall not receive additional legislative compensation or per diem when the Legislature is in session or if a member is being paid any other payments on the same dates for attendance of other state business. The total of such expenses shall not exceed $7,000.00 per year, which shall be payable from funds made available for legislative use.

The committee shall report its findings and suggestions to the full legislature at each regular session of the Legislature in 1984, 1985 and 1986.

The resolution, H. J. R. 425, was read and referred to the Standing Committee on Rules.

Also:

By Rep. Holmes:

H. J. R. 426. RATIFYING HOUSE JOINT RESOLUTION 554 OF THE UNITED STATES CONGRESS, PROVIDING FOR REPRESENTATION OF THE DISTRICT OF COLUMBIA IN THE CONGRESS, BY PROPOSING A CONSTITUTIONAL AMENDMENT.

WHEREAS, the over 700,000 citizens of the District of Columbia are denied representation in the Congress and a correction of this injustice is long overdue; and

WHEREAS, a constitutional amendment is essential for such representation and statutory action alone will be insufficient; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Legislature of Alabama does hereby ratify and make application for House Joint Resolution 554, passed by the United States Congress on August 22, 1978, proposing a constitutional amendment to the Constitution to provide for representation of the District of Columbia in the Congress.

FURTHER RESOLVED, That the said proposed amendment shall read:

"ARTICLE _____

"Section 1. For purposes of representation in the Congress, election of the President and Vice President, and article V of this Constitution, the District constituting the seat of government of the United States shall be treated as though it were a State.

"Section 2. The exercise of the rights and powers conferred under this article shall be by the people of the District constituting the seat of government, and as shall be provided by the Congress.

"Section 3. The twenty-third article of amendment to the Constitution of the United States is hereby repealed.

"Section 4. This article shall be inoperative, unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission."

BE IT FURTHER RESOLVED, That the said proposed amendment to the Constitution of the United States shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by Congress.

RESOLVED FURTHER, That the Clerk of the House is directed to send copies of this Joint Resolution to the Secretary of State and presiding officers of both Houses of the Legislatures of each of the other States in the Union, the Clerk of the United States House of Representatives, Washington, D.C., and the Secretary of the United States Senate, Washington, D. C., and to each member of the Alabama Congressional Delegation.

The resolution, H. J. R. 426, was read and referred to the Standing Committee on Rules.

Also:

By Reps. Nicholson, Brakefield and Kennedy:

H. J. R. 427. COMMENDING AND CONGRATULATING THE WALKER COLLEGE ACADEMIC BOWL TEAM.

WHEREAS, the legislature of the State of Alabama has noted that Walker College has won first place in the Alabama Junior College Scholar's Bowl League; and

WHEREAS, team Captain Tim Martin of Oakman, Alabama finished sixth in the state in over-all scoring and earned all-league honors; and

WHEREAS, team member Barry McCleney earned the distinction of being named to the all-tournament team at the UAB Tournament; and

WHEREAS, Phillip Jean was selected League Coach of the Year by his fellow coaches; and

WHEREAS, even though individual team members won several honors this success was a result of a team effort with all team members contributing; and

WHEREAS, the accomplishments of these young men and women exhibit the commitment of Walker College to academic excellence as well as athletic competition which serves as an example to all schools and a tribute to the faculty and administration of Walker College; and

WHEREAS, the Legislature of Alabama feels that his achievement should be recognized and commended.

BE IT THEREFORE RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Walker College and the Walker College Bowl Team are hereby congratulated and commended for their outstanding dedication and achievement.

BE IT FURTHER RESOLVED that Walker College, Coach Phillip Jean, Tim Martin, Barry McCleney, Mike Eskeridge, Renee Palmer, Kathy Wingo and Sherry Argent be sent copies of this resolution so that they may know of our high regard.

On motion of Rep. Nicholson, the rules were suspended and the resolution, H. J. R. 427, was adopted.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Reps. Escott, Davis, Horn, Tucker, Rogers, Thornton, Nevett, Howard, Kennedy, Junkins, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Drake, Drinkard, Dutton, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Trammell, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L),

Williams, Wilson, Wright and Zoghby:

H. R. 428. HONORING DR. A. G. GASTON OF BIRMINGHAM, ALABAMA.

Also:

By Rep. Escott:

H. R. 429. COMMENDING THE REVEREND BERNARD WILLIAMS FOR OUTSTANDING RELIGIOUS AND MUSICAL ACCOMPLISHMENTS.

Also:

By Rep. McKee:

H. J. R. 430. COMMENDING THE REVEREND W. LAURENS HUDSON OF MONTGOMERY, ALABAMA.

WHEREAS, the Reverend W. Laurens Hudson, a resident of Montgomery, Alabama, since 1976, currently serves as Pastor of Highland Evangelical Church; and

WHEREAS, a native of Chattanooga, Tennessee, the Reverend Hudson was educated at Asbury Theological Seminary in Wilmore, Kentucky; and

WHEREAS, the Reverend Hudson now serves, in addition to his pastoral duties, as District Supervisor of the Evangelical Methodist Church having been so elected on June 22, 1983, during the denomination's most recent convention in Natchez, Mississippi; and

WHEREAS, Mr. Hudson's wife, Patricia, is a teacher with the Montgomery County School System; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend the Reverend W. Laurens Hudson of Montgomery, Alabama, upon his election as District Supervisor of the Evangelical Methodist Church, and direct that he receive a copy of this resolution in token of our sincere regard.

On motion of Rep. McKee, the rules were suspended and the resolution, H. J. R. 430, was adopted.

RESOLUTION

The following resolution was introduced:

By Reps. Waggoner, Moore and Escott:

H. J. R. 431. COMMENDING DR. CATHERINE STEINMITZ AMOS ON BEING SELECTED AS OPTOMETRIST OF THE YEAR BY THE ALABAMA OPTOMETRIC ASSOCIATION.

WHEREAS, Dr. Catherine Steinmitz Amos of Birmingham, Alabama, recently was named "Optometrist of the Year" by the Alabama Optometric Association at their annual convention; and

WHEREAS, the honor bestowed on Dr. Amos was for her many contributions to her profession and to the association during her nine years of practice; and

WHEREAS, Dr. Catherine S. Amos, a native of Parsons, Kansas, received her Bachelor of Science in Optometry in 1972 from the University of

Indiana and earned the Doctor of Optometry degree from the University of Alabama at Birmingham in 1974, and she is a clinical assistant professor at the University of Alabama School of Optometry in addition to her private practice; and

WHEREAS, Dr. Catherine S. Amos is a member of many professional organizations, a member of the American and Alabama Optometric Associations, and a "Fellow of the American Academy of Optometry"; she is a member of the Board of Directors of the Alabama Optometric Association; she presently is serving as the Legal Legislative Chairman of that Association; and served as its president from 1981 to 1982, the first woman ever elected to that office; and

WHEREAS, Dr. Amos is the author of nine publications on optometry and pediatric optometry and has lectured at many other states' optometrists conventions and the American Academy of Optometry, all of which have brought her the esteem and great admiration from her peers; and

WHEREAS, Dr. Catherine S. Amos was inducted into the Women's Academy of the Southern Women's Archives in October 1981 and in 1979 she was awarded one of the "Outstanding Young Women of the Year" selections; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do hereby highly commend Dr. Catherine S. Amos for her dedication to her profession and for the many contributions which have resulted in the betterment of our citizens' welfare, and particularly we do heartily congratulate her on being selected as "Optometrist of the Year" by the Alabama Optometric Association.

RESOLVED FURTHER, That we do send a copy of this resolution to Dr. Amos so that she may know of our esteem and sincere praise.

On motion of Rep. Waggoner, the rules were suspended and the resolution, H. J. R. 431, was adopted.

SPECIAL ORDER

The House then proceeded with the consideration of the uncontested local bills.

H. 424 TEMPORARILY POSTPONED

On motion of Rep. Box, the bill, H. 424, was temporarily postponed.

H. 698 TEMPORARILY POSTPONED

On motion of Rep. Zoghby, the bill, H. 698, was temporarily postponed.

And the bill:

H. 804. Relating to selling and redeeming lands for taxes in Lauderdale County, Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 42; Nays 0.

Yeas:

Mr. Speaker, Ashley, Bennett, Blake, Blakeney, Bowling, Box, Brakefield, Carothers, Carter, Casey, Coleman, Faulk, Gaston, Goodwin, Grimsley, Hammett, Hettinger, Holmes, Johnson (A.L.), Johnson (Roy), Junkins,

Kennedy, Langford, Lauderdale, McMillan, Manley, Mitchell, Newman, Poole, Preuitt, Rains, Richardson, Scott, Smith, Starkey, Starr, Turner, Venable, White (L), Williams and Wilson.

—42

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 845. To propose and provide for the submission of an amendment to the Constitution of Alabama authorizing Macon County under certain conditions to issue general obligation bonds in not exceeding $3,500,000 principal amount for the purpose of obtaining funds in such amount and contributing that amount to Tuskegee Institute to be used for the construction of "The Daniel 'Chappie' James Aerospace Memorial"; to provide that said bonds may be secured by a pledge of a sufficient amount of the ¼ of 1% ad valorem tax authorized by Section 215 of said constitution to be levied by said county; to provide that none of said bonds shall be chargeable against the constitutional debt limit of said county; and to specify certain details pertaining to said bonds and to the issuance and sale thereof.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 85; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Browder, Bryant, Buskey, Campbell, Carothers, Carter, Casey, Clark, Coburn, Coleman, Cosby, Crow, Davis, Drinkard, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Hammett, Harper, Harvey, Hettinger, Holmes, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Layton, McKee, McMillan, Manley, Martin, Mathis, Melton, Mitchell, Moore, Murphy, Newman, Nicholson, Parker, Poole, Preuitt, Rice, Richardson, Rogers, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Tucker, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

—85

And the bill:

H. 847. To propose and provide for the submission of an amendment to the Constitution of Alabama authorizing the City of Tuskegee in Macon County to issue general obligation bonds in not exceeding $3,500,000 principal amount for the purpose of obtaining funds in such amount and contributing that amount to Tuskegee Institute to be used for the construction of "The Daniel 'Chappie' James Aerospace Memorial"; to provide that said bonds may be secured by a pledge of a sufficient amount of the 1 ¼ % ad valorem tax authorized by Amendment 56 to said constitution to be levied by said city; to provide that none of said bonds shall be chargeable against the constitutional debt limit of said city, and to specify certain details pertaining to said bonds and to the issuance and sale thereof.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 79; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Brakefield, Browder, Bryant, Buskey, Carter, Casey, Clark, Coleman, Cosby, Crow, Davis, Drinkard, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Hammett, Harper, Harvey, Hettinger, Holmes, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Langford, Lewis, McKee, McMillan, Manley, Martin, Melton, Mitchell, Moore, Murphy, Newman, Nicholson, Parker, Poole, Preuitt, Rains, Richardson, Rogers, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

—79

And the bill:

H. 815. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Wilsonville, in Shelby County, to provide for a referendum election of the qualified electors who reside within the territory proposed to be brought within the municipal limits of Wilsonville.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 74; Nays 0.

Yeas:

Mr. Speaker, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Browder, Bryant, Buskey, Carothers, Carter, Casey, Clark, Coburn, Coleman, Cosby, Crow, Davis, Escott, Faulk, Gaston, Goodwin, Grimsley, Grouby, Hammett, Harper, Harvey, Hettinger, Holmes, Horn, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Langford, Layton, Lewis, McMillan, Manley, Mathis, Melton, Mitchell, Moore, Murphy, Newman, Nicholson, Parker, Payne, Poole, Preuitt, Rains, Richardson, Rogers, Scott, Seibels, Smith, Starkey, Starr, Thomas, Thornton, Tucker, Turnham, Waggoner, Warren, White (L), Williams, Wilson, Wright and Zoghby.

—74

LEAVE OF ABSENCE

At the request of Rep. Holmes, leave of absence was granted for Rep. Reed as he is out of the state.

SPECIAL ORDER RESUMED

And the bill:

H. 849. Relating to Calhoun County; authorizing the county commission to levy an additional ½¢ sales tax paralleling the state sales tax provided for in Sections 40-23-1, 40-23-2, 40-23-3 and 40-23-4, Code of Alabama 1975, providing for the collection, distribution and use of the proceeds of such tax; providing for the enforcement of this act by the state department of revenue; prescribing penalties and fixing punishment for violation

of this act; and to provide that the substantive provisions hereof must be approved by the voters of the area in which the tax would be levied.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 64; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Biddle, Blake, Blakeney, Box, Brakefield, Browder, Bryant, Buskey, Carothers, Carter, Casey, Clark, Coleman, Cosby, Crow, Davis, Faulk, Gaston, Goodwin, Grimsley, Hammett, Harper, Harvey, Hettinger, Holmes, Johnson (R.G.), Johnson (Roy), Junkins, Kvalheim, Langford, Layton, Lewis, Manley, Mathis, Mitchell, Moore, Murphy, Newman, Parker, Penry, Poole, Preuitt, Rains, Rice, Richardson, Scott, Seibels, Smith, Starkey, Thornton, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams and Zoghby.

—64

MOTION TO SUSPEND RULE 4(4) LOST

The motion offered by Rep. Kennedy to suspend Rule 4(4) to transmit the bill, H. 515, to the Senate, was lost, lacking a four-fifths vote.

Yeas 59; Nays 23.

Yeas:

Mr. Speaker, Ashley, Bennett, Blake, Boles, Bowling, Box, Brakefield, Browder, Bryant, Buskey, Campbell, Carothers, Casey, Clark, Crow, Drinkard, Dutton, Escott, Faulk, Ford, Freeman, Goodwin, Grimsley, Hammett, Hettinger, Holley, Holmes, Horn, Howard, Johnson (Roy), Junkins, Kennedy, Langford, Lauderdale, McKee, Martin, Melton, Moore, Nicholson, Parker, Penry, Poole, Rains, Rice, Richardson, Rogers, Scott, Stout, Thomas, Thornton, Trammell, Tucker, Turner, Turnham, Venable, Warren, White (F) and White (L).

—59

Nays:

Reps.: Adams, Carter, Clikas, Coleman, Flowers, Gaston, Grouby, Harvey, Johnson (R.G.), Lewis, Manley, Minus, Mitchell, Murphy, Newman, Payne, Seibels, Starkey, Starr, Waggoner, Wilson, Wright and Zoghby.

—23

And the bill:

S. 489. Relating to the 37th Judicial Circuit of Alabama; to provide that if a defendant in a criminal case enters a written plea of not guilty prior to his arraignment such plea shall constitute waiver of his right to have an arraignment at which he is present in person or represented by an attorney.

Was read a third time at length and passed.

Yeas 61; Nays 1.

Yeas:

Mr. Speaker, Ashley, Bennett, Biddle, Blake, Blakeney, Bowling,

Brakefield, Browder, Buskey, Carter, Casey, Clark, Coleman, Cosby, Crow, Davis, Drinkard, Faulk, Flowers, Ford, Gaston, Goodwin, Grimsley, Grouby, Hammett, Harper, Harvey, Hettinger, Holmes, Horn, Johnson (A.L.), Johnson (Roy), Kennedy, Layton, Manley, Mitchell, Moore, Newman, Parker, Penry, Poole, Rice, Richardson, Rogers, Sasser, Starkey, Starr, Thomas, Thornton, Trammell, Turner, Turnham, Venable, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

—61

Nay: Rep. Rains. —1

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 163. To provide for the establishment of a uniform plan of health insurance for employees and, under certain conditions, retired employees of state educational institutions which provide instruction at any combination of grades K-14, exclusively, under the auspices of the state board of education; and to provide a method for funding the benefits authorized herein. To further provide that any agency covered by the Teachers' Retirement System may elect, under certain conditions, to have its employees and retired employees covered by the provisions of this act and to establish a procedure for funding the cost of coverage on account of such employees and retired employees. To provide for the creation of the Public Education Employees' Health Insurance Board, its authority, responsibilities, powers, and duties, and to provide for the terms of its members. To further provide for the types of medical/hospital coverages which may be offered under the public education employees' health insurance plan. To further provide that the board, upon certain finding, may develop a plan of self insurance.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Drinkard, the House concurred in and adopted the Senate amendment to the bill, H. 163, said Senate amendment being as follows:

Amend the Substitute to HB 163 as follows: On page 9, in Section 14, insert a period after the word "deduction" on line 36.

On page 10, in Section 14, Delete all the language on lines 2 through 4.

Amend H.B. 163 in Section 1, page 2, sub-section (2) on line 10 by striking the semicolon after the word "education" and adding a period. After the period, add the following:

"All retired employees of post-secondary institutions shall be eligible to participate under provisions of this Act."

Yeas 68; Nays 0.

Yeas:

Mr. Speaker, Ashley, Bennett, Blake, Blakeney, Box, Brakefield, Bryant, Campbell, Carter, Casey, Clark, Coleman, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Flowers, Freeman, Goodwin, Grimsley, Grouby, Hammett,

Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Laird, Langford, Lauderdale, Layton, Lewis, McKee, Manley, Melton, Moore, Murphy, Newman, Nicholson, Parker, Payne, Poole, Preuitt, Rice, Richardson, Rogers, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Venable, White (L), Williams, Wilson and Wright.

—68

And the bill, H. 163 as thus amended, was again read at length and passed.

Yeas 73; Nays 1.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Blake, Blakeney, Box, Brakefield, Browder, Bryant, Campbell, Carter, Casey, Clark, Coleman, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Goodwin, Grimsley, Grouby, Hammett, Harvey, Hettinger, Holley, Holmes, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Laird, Langford, Lauderdale, Layton, Lewis, Manley, Martin, Melton, Mitchell, Moore, Murphy, Newman, Nicholson, Parker, Poole, Preuitt, Rains, Rice, Richardson, Rogers, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Tucker, Venable, Warren, White (L), Williams, Wilson, Wright and Zoghby.

—73

Nay: Rep. McKee. —1

And the bill:

S. 490. To provide for the filing for record and the preservation of all orders and judgments made and entered by any judge of the circuit court of the 37th Judicial Circuit of Alabama.

Was read a third time at length and passed.

Yeas 66; Nays 0.

Yeas:

Mr. Speaker, Ashley, Bennett, Blakeney, Bowling, Box, Brakefield, Browder, Bryant, Buskey, Campbell, Carter, Casey, Clark, Coleman, Cosby, Crow, Davis, Drinkard, Dutton, Faulk, Gaston, Goodwin, Grimsley, Grouby, Hammett, Harvey, Hettinger, Holley, Horn, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, McKee, Mathis, Melton, Mitchell, Moore, Murphy, Newman, Nicholson, Parker, Poole, Preuitt, Rains, Rice, Richardson, Scott, Seibels, Smith, Starkey, Starr, Stout, Thornton, Turnham, Venable, Warren, Williams, Wilson, Wright and Zoghby.

—66

And the bill:

H. 654. Relating to Jefferson County; to authorize compensation incentive for personnel assigned by the sheriff on a regular basis to conduct internal investigations or assist in the accountability of funds governed by the sheriff of Jefferson County.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 66; Nays 0.

Yeas:

Mr. Speaker, Ashley, Bennett, Biddle, Blake, Blakeney, Box, Brakefield, Bryant, Buskey, Carter, Casey, Clark, Coleman, Cosby, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Gaston, Goodwin, Grimsley, Hammett, Harvey, Hettinger, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Layton, McMillan, Manley, Martin, Moore, Murphy, Newman, Parker, Poole, Preuitt, Rains, Rice, Rogers, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Turner, Turnham, Waggoner, Warren, White (L), Williams, Wright and Zoghby.

—66

And the bill:

H. 732. Relating to Jefferson County; providing that the county commission shall have the authority, after notice as provided, to declare noxious or dangerous weeds growing upon the sidewalks or private property within the county and outside the corporate limits of any municipality within the county to be a public nuisance, and creating a lien upon the property fronting upon such sidewalks or upon which such nuisance exists for the cost of abating the same.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 66; Nays 0.

Yeas:

Mr. Speaker, Ashley, Bennett, Biddle, Blake, Blakeney, Box, Brakefield, Browder, Bryant, Carter, Casey, Clark, Coleman, Cosby, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Flowers, Gaston, Goodwin, Grimsley, Harvey, Hettinger, Horn, Howard, Johnson (A.L.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Langford, Layton, Lewis, McMillan, Mathis, Moore, Murphy, Newman, Parker, Payne, Poole, Preuitt, Rains, Rice, Rogers, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Tucker, Turner, Waggoner, Warren, White (L), Williams, Wilson, Wright and Zoghby.

—66

And the bill:

H. 823. To amend Section 1 of Act 499, H. 858, 1973 Regular Session (Acts of 1973, p. 738), relating to retirement allowances for elected officials in the City of Bessemer, so as to prevent said officials from participating in both the state and city retirement systems.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 65; Nays 0.

Yeas:

Reps.: Adams, Ashley, Bennett, Blake, Blakeney, Box, Brakefield, Carter, Casey, Clark, Coleman, Cosby, Davis, Drinkard, Dutton, Escott, Faulk, Flowers, Gaston, Goodwin, Grimsley, Grouby, Harvey, Hettinger, Horn, Howard, Johnson (A.L.), Johnson (Roy), Junkins, Kvalheim, Langford,

Layton, Lewis, McKee, McMillan, Mathis, Moore, Murphy, Newman, Parker, Payne, Poole, Preuitt, Rains, Rice, Rogers, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Tucker, Turner, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

—65

And the bill:

H. 834. Relating to Jefferson County; creating the "Vacation Change Amendment Act" to the Jefferson County Merit Service Act, as provided by Act No. 248, H. 580, of the 1945 Regular Session (Acts 1945, p. 376, et seq.), so as to further provide for the method of earning and accruing vacation and leave for all permanent employees of the Jefferson County Merit-System; and specifically repealing Section 19 of the said Act No. 248, H. 580, of the 1945 Regular Session and all conflicting laws.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 58; Nays 0.

Yeas:

Reps.: Ashley, Bennett, Blake, Blakeney, Box, Brakefield, Campbell, Carter, Casey, Clark, Cosby, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Flowers, Gaston, Goodwin, Grimsley, Harvey, Hettinger, Howard, Johnson (A.L.), Johnson (Roy), Junkins, Kvalheim, Layton, Lewis, McMillan, Manley, Moore, Murphy, Newman, Parker, Payne, Poole, Preuitt, Rains, Rice, Rogers, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Tucker, Turner, Waggoner, Warren, Williams, Wilson, Wright and Zoghby.

—58

And the bill:

H. 851. Relating to Jefferson County; to regulate further the branch office of the probate court in the city of Bessemer, providing for the appointment, term of service, duties and compensation of the deputy or assistant judge of probate who serves in the branch office of such court in the city of Bessemer.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 61; Nays 0.

Yeas:

Mr. Speaker, Ashley, Bennett, Biddle, Blake, Blakeney, Box, Brakefield, Bryant, Campbell, Carter, Casey, Clark, Coleman, Cosby, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Flowers, Goodwin, Grimsley, Grouby, Harvey, Hettinger, Horn, Howard, Johnson (A.L.), Johnson (Roy), Junkins, Kennedy, Langford, Lauderdale, Layton, Lewis, McMillan, Manley, Moore, Newman, Parker, Payne, Poole, Preuitt, Rains, Rice, Scott, Smith, Starkey, Starr, Stout, Thomas, Tucker, Turner, Waggoner, White (L), Williams, Wilson, Wright and Zoghby.

—61

And the bill:

H. 857. To levy a finance charge or a tax of ten cents per acre to be

assessed against lands located in Pickens County, Alabama, which are used for timber growing purposes, to provide protection against forest fires, insects, disease and other pests within Pickens County; to provide for a referendum on the question and prescribing the procedure for the collection of such assessments.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 42; Nays 0.

Yeas:

Mr. Speaker, Bennett, Biddle, Blake, Blakeney, Box, Buskey, Campbell, Carter, Casey, Clark, Coleman, Cosby, Crow, Drinkard, Dutton, Goodwin, Grimsley, Harvey, Hettinger, Johnson (A.L.), Johnson (Roy), Junkins, Lauderdale, Layton, McMillan, Manley, Mitchell, Moore, Parker, Poole, Rains, Rice, Smith, Starkey, Stout, Tucker, Turner, Waggoner, White (F), White (L) and Zoghby.

—42

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 860. Relating to Marshall County; to further regulate the appropriation and distribution of Tennessee Valley Authority funds paid in-lieu-of-taxes.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 54; Nays 0.

Yeas:

Mr. Speaker, Ashley, Bennett, Biddle, Blake, Blakeney, Bowling, Box, Brakefield, Bryant, Campbell, Carter, Clark, Coleman, Crow, Drinkard, Dutton, Flowers, Freeman, Gaston, Goodwin, Grimsley, Harvey, Hettinger, Horn, Johnson (A.L.), Johnson (Roy), Junkins, Kvalheim, Lauderdale, Layton, McKee, McMillan, Manley, Mitchell, Moore, Newman, Parker, Poole, Rains, Rice, Scott, Smith, Starkey, Stout, Thomas, Venable, Waggoner, White (F), White (L), Williams, Wilson, Wright and Zoghby.

—54

And the bill:

H. 861. To authorize the Marshall County Commission to provide protection of forests from fires, insects, disease and other pests within the county and to assess the whole or a part of the costs thereof, within a prescribed limit, against forest lands in the county and to prescribe the procedure for levying and collecting such assessments.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 63; Nays 0.

Yeas:

Mr. Speaker, Ashley, Bennett, Biddle, Blake, Blakeney, Bowling, Box, Brakefield, Bryant, Buskey, Campbell, Carter, Casey, Clark, Coleman, Cosby, Davis, Drinkard, Dutton, Faulk, Flowers, Gaston, Goodwin, Grimsley, Hammett, Harvey, Hettinger, Horn, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kvalheim, Langford, Layton, McKee, McMillan, Manley, Mitchell, Moore, Murphy, Newman, Parker, Payne, Poole, Rains, Rice, Richardson, Rogers, Scott, Smith, Starkey, Starr, Stout, Turner, Waggoner, Warren, White (F), Williams, Wilson, Wright and Zoghby.

—63

And the bill:

H. 862. To propose an amendment to the Constitution to provide that the legislature may, by local law, authorize the county governing body of Marshall County to further promote and provide forest fire protection within the county, assess in whole or part the cost thereof by levying a tax on lands other than on ad valorem basis; it prescribes the manner for levying, collecting and distributing such assessments.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 80; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Biddle, Blake, Blakeney, Bowling, Box, Brakefield, Bryant, Buskey, Campbell, Carter, Casey, Clark, Clikas, Coleman, Cosby, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Flowers, Freeman, Gaston, Goodwin, Grimsley, Hall, Hammett, Harvey, Hettinger, Horn, Howard, Johnson (A.L.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Langford, Lauderdale, Layton, McKee, McMillan, Manley, Mathis, Minus, Mitchell, Moore, Murphy, Newman, Nicholson, Parker, Penry, Poole, Preuitt, Rains, Rice, Richardson, Rogers, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Trammell, Tucker, Turner, Venable, Waggoner, Warren, White (F), Williams, Wilson, Wright and Zoghby.

—80

And the bill:

H. 864. Relating to Walker County; to provide for a county legislative delegation office; to require that the county commission shall provide office space, furniture, equipment, supplies, and a salary for either a secretary or office manager who shall be hired and shall serve at the pleasure of the Walker County legislative delegation.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 73; Nays 0.

Yeas:

Mr. Speaker, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Bowling, Box, Brakefield, Brooks, Bryant, Buskey, Campbell, Carter, Casey, Clark, Clikas, Coleman, Cosby, Crow, Davis, Drinkard, Dutton, Faulk, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harvey, Hettinger, Horn, Howard, Johnson (A.L.), Johnson (Roy), Junkins, Kvalheim,

Langford, Lauderdale, Layton, Lewis, Manley, Mathis, Melton, Mitchell, Moore, Murphy, Newman, Nicholson, Parker, Poole, Rains, Rice, Rogers, Scott, Smith, Starkey, Starr, Stout, Thomas, Trammell, Tucker, Venable, Waggoner, Warren, White (F), Williams, Wilson, Wright and Zoghby.

—73

And the bill:

H. 865. Establishing the powers and authority of district attorney's investigators of the fourteenth judicial circuit of Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 64; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Blake, Blakeney, Bowling, Brakefield, Brooks, Bryant, Buskey, Campbell, Carter, Casey, Clikas, Coleman, Cosby, Crow, Davis, Drinkard, Dutton, Escott, Freeman, Gaston, Goodwin, Grimsley, Hall, Hammett, Harvey, Hettinger, Johnson (A.L.), Johnson (Roy), Junkins, Kvalheim, Langford, Lauderdale, Layton, Manley, Mathis, Mitchell, Moore, Newman, Nicholson, Parker, Poole, Preuitt, Rains, Rice, Sasser, Smith, Starkey, Starr, Stout, Thomas, Trammell, Venable, Waggoner, Warren, White (F), White (L), Wilson, Wright and Zoghby.

—64

And the bill:

H. 866. Relating to Coosa County; providing that any real estate deed presented for filing and recording in the office of the judge of probate shall contain certain information on the face of the instrument relating to the ad valorem tax notice on such real estate.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 80; Nays 0.

Yeas:

Mr. Speaker, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Campbell, Carter, Casey, Clark, Clikas, Coleman, Cosby, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Freeman, Gaston, Goodwin, Grimsley, Hall, Hammett, Harper, Harvey, Hettinger, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Langford, Lauderdale, Layton, McKee, McMillan, Manley, Mitchell, Moore, Murphy, Newman, Nicholson, Parker, Payne, Poole, Preuitt, Rains, Rice, Rogers, Sasser, Scott, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Turner, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson and Wright.

—80

And the bill:

H. 869. Relating to Chilton County; to provide for an additional expense allowance for the county coroner.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 76; Nays 0.

Yeas:

Mr. Speaker, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Bowling, Box, Brakefield, Brooks, Bryant, Buskey, Campbell, Carter, Casey, Clark, Clikas, Coleman, Cosby, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Langford, Lauderdale, Layton, McKee, McMillan, Manley, Mitchell, Moore, Murphy, Newman, Parker, Poole, Preuitt, Rains, Rice, Rogers, Sasser, Scott, Smith, Starkey, Starr, Stout, Trammell, Tucker, Turner, Venable, Waggoner, Warren, White (F), White (L), Williams, Wright and Zoghby.

—76

And the bill:

H. 874. To alter, rearrange and extend the boundaries and corporate limits of the City of Columbiana, Alabama, so as to incorporate certain territory as described herein.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 77; Nays 0.

Yeas:

Reps.: Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Bowling, Box, Brakefield, Brooks, Bryant, Buskey, Campbell, Carter, Casey, Clark, Clikas, Coleman, Cosby, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harvey, Hettinger, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Langford, Lauderdale, Layton, McKee, McMillan, Manley, Mitchell, Moore, Murphy, Newman, Parker, Poole, Preuitt, Rains, Rice, Rogers, Sasser, Scott, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turner, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

—77

And the bill:

H. 875. To alter or rearrange the boundary lines of the Town of Snead, Blount County, Alabama, so as to include within the corporate limits of said Town all territory now within such corporate limits and also certain other territory contiguous thereto, in Blount County, Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 68; Nays 0.

Yeas:

Reps.: Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Campbell, Carter, Casey, Clikas, Coleman, Cosby, Crow, Davis, Drinkard, Dutton, Faulk, Gaston, Goodwin, Grouby, Hammett, Harvey, Hettinger, Horn, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Langford, Lauderdale, Layton, McKee, McMillan, Manley, Mitchell, Moore, Murphy,

Newman, Parker, Poole, Rice, Rogers, Sasser, Scott, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Venable, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

—68

And the bill:

H. 884. (With Amendment): To provide that the Pickens County Commission shall locate, construct, maintain and repair all Pickens County public roads, bridges, ferries and public buildings as a single centralized road system, without regard to commissioner district, beat or precinct lines; to further define the duties and powers of said Commission and its members; to provide for the employment of a County Engineer and to fix and define their respective duties and to provide for and fix the amount of his bond and to provide for the manner of approval of and payment of premiums on said bonds; to further fix and define the duties and authority of the Chairman of the Pickens County Commission and other members of said Commission; to fix and define the manner of making requisition for road, bridge and public building construction and maintenance equipment, supplies and materials and for the issuance of purchase orders for same; to provide for the fixing of a scale of wages and salaries; to designate the County Engineer as the custodian of all vehicles, machinery, equipment, supplies and materials relating to the planning, construction and maintenance of all public roads and bridges in Pickens County; to provide for the appropriation of road, bridge and public building funds, gasoline tax funds, general fund, highway and traffic fund, and all and other public monies normally coming under the control of County Commissions, and for the manner of expenditure and budgetary control of same; and to order an election in Pickens County on the question of whether this Act shall become effective and a centralized road system thereby instituted in Pickens County; and to provide that this Act shall become effective only if a majority of those voting at said election vote in favor of effectuating the Act and instituting a centralized road system in Pickens County.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 1, said committee amendment being as follows:

Amend H.B. 884, Page 1, Lines 20 and 21 by striking ~~and define their respective duties and to provide for and fix~~

Further amend H.B. 884, Page 2, Section 2, Lines 20 and 21 by striking ~~and authority respecting the location, construction~~

Further amend H.B. 884, Page 3, Section 4, Lines 8 and 9 by striking ~~and Chairman of the County Commission~~

Further amend H.B. 884, Page 3, Section 4, Line 18 by striking ~~Chairman~~

Further amend H.B. 884, Page 7, Section 9, Line 28, after the word "than" by striking ~~$33,000.00~~ and inserting in lieu thereof the following: $27,000.00

And the amendment was adopted.

Yeas 66; Nays 0.

Yeas:

Reps.: Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Box, Brakefield, Brooks, Browder, Bryant, Campbell, Carter, Casey, Clark, Clikas, Coleman, Cosby, Crow, Davis, Drinkard, Dutton, Faulk, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harvey, Hettinger, Johnson (A.L.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Langford, Lauderdale, Layton, McMillan, Manley, Mathis, Mitchell, Moore, Murphy, Newman, Parker, Poole, Rains, Rice, Rogers, Sasser, Scott, Starkey, Starr, Stout, Thomas, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

—66

And the bill:

H. 884. To provide that the Pickens County Commission shall locate, construct, maintain and repair all Pickens County public roads, bridges, ferries, and public buildings as a single centralized road system, without regard to commissioner district, beat or precinct lines; to further define the duties and powers of said Commission and its members; to provide for the employment of a County Engineer and to fix the amount of his bond and to provide for the manner of approval of and payment of premiums on said bonds; to further fix and define the duties and authority of the Chairman of the Pickens County Commission and other members of said Commission; to fix and define the manner of making requisition for road, bridge and public building construction and maintenance equipment, supplies and materials and for the issuance of purchase orders for same; to provide for the fixing of a scale of wages and salaries; to designate the County Engineer as the custodian of all vehicles, machinery, equipment, supplies and materials relating to the planning, construction and maintenance of all public roads and bridges in Pickens County; to provide for the appropriation of road, bridge and public building funds, gasoline tax funds, general fund, highway and traffic fund, and all and other public monies normally coming under the control of County Commissions, and for the manner of expenditure and budgetary control of same; and to order an election in Pickens County on the question of whether this Act shall become effective and a centralized road system thereby instituted in Pickens County; and to provide that this Act shall become effective only if a majority of those voting at said election vote in favor of effectuating the Act and instituting a centralized road system in Pickens County.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 75; Nays 1.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Box, Brakefield, Brooks, Browder, Bryant, Campbell, Carter, Casey, Clark, Clikas, Coleman, Cosby, Crow, Davis, Drinkard, Escott, Faulk, Gaston, Goodwin, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Horn, Howard, Johnson (A.L.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Langford, Lauderdale, Layton, McKee, McMillan, Manley, Mathis, Moore, Murphy, Newman, Nicholson, Parker, Poole, Preuitt, Rice, Rogers, Sasser, Scott, Smith, Starkey, Starr, Stout, Thomas, Thornton, Tucker, Turner, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson,

Wright and Zoghby.

—75

Nay: Rep. Mitchell. —1

And the bill:

H. 885. To levy a finance charge or a tax of ten cents per acre to be assessed against lands located in Hale County, Alabama, which are used for timber growing purposes, to provide protection against forest fires within Hale County; to provide for a referendum on the question; and prescribing the procedure for the collection of such assessments.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 71; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Bowling, Box, Brakefield, Brooks, Browder, Campbell, Carter, Casey, Clark, Coleman, Cosby, Crow, Davis, Drinkard, Escott, Faulk, Gaston, Goodwin, Grimsley, Hall, Hammett, Harper, Harvey, Hettinger, Howard, Johnson (A.L.), Johnson (Roy), Junkins, Kennedy, Langford, Lauderdale, Layton, McKee, McMillan, Manley, Martin, Mathis, Mitchell, Moore, Murphy, Newman, Nicholson, Parker, Poole, Preuitt, Rice, Sasser, Scott, Seibels, Smith, Starr, Stout, Thomas, Tucker, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

—71

And the bill:

H. 887. To provide for redivision of the county commissioner's districts in Covington County, Alabama; to provide for an advisory referendum on the question of the provisions of this act.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 61; Nays 0.

Yeas:

Mr. Speaker, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Bowling, Box, Brakefield, Browder, Campbell, Carter, Casey, Clark, Coleman, Cosby, Crow, Davis, Drinkard, Escott, Faulk, Gaston, Goodwin, Grouby, Hall, Hammett, Harvey, Hettinger, Horn, Johnson (A.L.), Johnson (Roy), Junkins, Kennedy, Langford, Lauderdale, Layton, McMillan, Mitchell, Moore, Murphy, Newman, Parker, Payne, Poole, Rice, Sasser, Seibels, Smith, Starkey, Starr, Trammell, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

—61

And the bill:

H. 888. Relating to Covington County; providing for the distribution of certain road and bridge money; and providing an advisory referendum thereon.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 71; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Bennett, Biddle, Blake, Blakeney, Brakefield, Brooks, Browder, Bryant, Buskey, Campbell, Carter, Casey, Clark, Clikas, Coleman, Cosby, Crow, Davis, Drinkard, Escott, Faulk, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Johnson (A.L.), Johnson (Roy), Junkins, Langford, Lauderdale, Layton, McKee, McMillan, Martin, Mathis, Mitchell, Moore, Murphy, Newman, Nicholson, Parker, Payne, Poole, Rice, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Trammell, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

—71

And the bill:

H. 889. Relating to Lee County, providing further for the registration fees on mobile homes; providing further for the distribution of such fees; providing for an effective date; and repealing Act No. 481, H. 1193, 1976 Regular Session (Acts 1976, p. 597).

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 61; Nays 0.

Yeas:

Reps.: Adams, Albright, Ashley, Bennett, Blake, Blakeney, Bowling, Brakefield, Brooks, Browder, Buskey, Campbell, Carter, Casey, Clark, Coleman, Cosby, Crow, Davis, Drinkard, Escott, Faulk, Gaston, Goodwin, Grouby, Hall, Hammett, Harper, Hettinger, Johnson (A.L.), Johnson (Roy), Junkins, Lauderdale, Layton, McKee, McMillan, Mitchell, Moore, Murphy, Newman, Nicholson, Parker, Poole, Preuitt, Rice, Sasser, Seibels, Smith, Starkey, Starr, Stout, Thomas, Tucker, Venable, Waggoner, Warren, White (L), Williams, Wilson, Wright and Zoghby.

—61

And the bill:

H. 892. Relating to the fourteenth judicial circuit; creating a position of felony investigator for the district attorney of such circuit and providing for the powers, duties and compensation of such investigator.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 57; Nays 0.

Yeas:

Reps.: Adams, Ashley, Bennett, Biddle, Blake, Blakeney, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Campbell, Carter, Casey, Coleman, Cosby, Crow, Drinkard, Faulk, Ford, Gaston, Goodwin, Grimsley, Grouby, Hall, Harvey, Hettinger, Johnson (A.L.), Johnson (Roy), Junkins, Kennedy, Langford, Lauderdale, McKee, McMillan, Mitchell, Moore, Newman, Nicholson, Parker, Poole, Preuitt, Rains, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thornton, White (L), Williams, Wilson, Wright and

Zoghby.

—57

And the bill:

H. 896. Relating to Cleburne County; providing for the establishment of a consolidated and unified system for assessment and collection of taxes, under the supervision of an elected county official designated as county revenue commissioner, providing for the compensation of such official, abolishing the offices of tax assessor and tax collector, and repealing conflicting laws.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 71; and Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Biddle, Blake, Blakeney, Bowling, Box, Brakefield, Brooks, Browder, Buskey, Campbell, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Escott, Faulk, Flowers, Ford, Gaston, Goodwin, Grimsley, Grouby, Hall, Harper, Hettinger, Howard, Johnson (A.L.), Johnson (Roy), Junkins, Kennedy, Langford, Lauderdale, Layton, McKee, McMillan, Manley, Mitchell, Moore, Murphy, Newman, Nicholson, Parker, Poole, Preuitt, Rains, Rice, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Trammell, Waggoner, Warren, White (L), Williams, Wilson, Wright and Zoghby.

—71

And the bill:

H. 897. Relating to Cleburne County; fixing the fee for the issuance of pistol permits and providing for the disposition of such fees.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 63; Nays 0.

Yeas:

Reps.: Adams, Ashley, Bennett, Biddle, Blake, Blakeney, Bowling, Brakefield, Brooks, Browder, Bryant, Campbell, Carter, Casey, Coburn, Coleman, Cosby, Crow, Davis, Drinkard, Escott, Flowers, Ford, Gaston, Goodwin, Grimsley, Grouby, Hall, Harper, Harvey, Hettinger, Holmes, Howard, Johnson (A.L.), Johnson (Roy), Junkins, Kvalheim, Lauderdale, McKee, McMillan, Manley, Mitchell, Moore, Murphy, Newman, Nicholson, Parker, Poole, Rains, Rice, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Trammell, Waggoner, White (F), White (L), Wilson, and Zoghby.

—63

And the bill:

H. 898. Relating to Cleburne County; to provide for an optional system of motor vehicle tag and decal purchasing by mail; to authorize an additional fee for mailing tags; to provide for the disposition of such fees; and to provide that the county commission shall provide such necessary space, personnel, equipment and supplies.

Was read a third time at length and passed, and ordered sent forthwith

to the Senate without engrossment.

Yeas 62; Nays 0.

Yeas:

Reps.: Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Campbell, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drinkard, Escott, Faulk, Gaston, Goodwin, Grimsley, Hall, Harvey, Hettinger, Johnson (A.L.), Johnson (Roy), Junkins, Kvalheim, Lauderdale, Layton, McMillan, Manley, Mitchell, Moore, Newman, Parker, Poole, Rains, Rice, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Thomas, Trammell, Waggoner, Warren, White (F), White (L), Williams, Wilson and Zoghby.

—62

And the bill:

H. 899. Relating to selling and redeeming lands for taxes in Cleburne County, Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 57; Nays 0.

Yeas:

Mr. Speaker, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Bowling, Brakefield, Brooks, Bryant, Campbell, Carter, Casey, Coleman, Cosby, Crow, Drinkard, Escott, Faulk, Gaston, Goodwin, Grimsley, Hall, Harper, Harvey, Hettinger, Horn, Howard, Johnson (A.L.), Johnson (Roy), Junkins, Kvalheim, Lauderdale, Layton, McMillan, Manley, Mitchell, Moore, Newman, Parker, Poole, Preuitt, Rains, Rice, Sasser, Scott, Seibels, Smith, Starkey, Starr, Turnham, Waggoner, White (L), Wilson, Wright and Zoghby.

—57

And the bill:

H. 900. Relating to Cleburne County; to provide for the mailing addresses of the grantors and grantees to appear on all conveyance of real property recorded in the probate office of such county.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 59; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Bowling, Brakefield, Brooks, Campbell, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Drinkard, Escott, Faulk, Flowers, Gaston, Goodwin, Hall, Harper, Harvey, Hettinger, Johnson (A.L.), Johnson (Roy), Kvalheim, Lauderdale, McKee, McMillan, Mitchell, Moore, Newman, Parker, Poole, Preuitt, Rains, Rice, Sasser, Scott, Seibels, Smith, Starkey, Starr, Thomas, Trammell, Turnham, Waggoner, Warren, White (F), White (L), Wilson and Zoghby.

—59

And the bill:

H. 902. To authorize the Clay County Commission to provide protection against forest fires within the county and to assess the whole or a part of the cost thereof, within a prescribed limit, against forest lands in the county and to prescribe the procedure for levying and collecting such assessments.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 54: Nays 0.

Yeas:

Reps.: Ashley, Bennett, Biddle, Blake, Bowling, Brakefield, Brooks, Bryant, Campbell, Carter, Casey, Clikas, Coleman, Cosby, Crow, Drinkard, Dutton, Ford, Gaston, Goodwin, Hall, Harper, Harvey, Hettinger, Johnson (A.L.), Johnson (Roy), Junkins, Kvalheim, Lauderdale, Layton, McKee, McMillan, Manley, Martin, Mitchell, Moore, Newman, Parker, Poole, Rains, Rice, Sasser, Scott, Seibels, Smith, Starkey, Starr, Thomas, Venable, Waggoner, White (F), White (L), Wilson and Zoghby.

—54

And the bill:

H. 904. Relating to Marengo County; providing for the establishment of a consolidated and unified system of assessment and collection of taxes under the supervision of an elective county official designated as county revenue commissioner; prescribing the powers, duties, term of office and compensation of said county revenue commissioner, and providing for his election; abolishing the county offices of tax assessor and tax collector in Marengo County; repealing conflicting laws; providing for a referendum and prescribing the effective date of this act.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 59; Nays 0.

Yeas:

Mr. Speaker, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Bowling, Brakefield, Brooks, Campbell, Carter, Casey, Clikas, Coburn, Coleman, Cosby, Crow, Drinkard, Dutton, Escott, Faulk, Flowers, Gaston, Grouby, Hall, Harper, Harvey, Hettinger, Johnson (A.L.), Johnson (Roy), Junkins, Kvalheim, Lauderdale, Layton, McKee, McMillan, Manley, Martin, Mitchell, Moore, Murphy, Newman, Parker, Poole, Preuitt, Rains, Rice, Sasser, Scott, Smith, Starkey, Starr, Trammell, Waggoner, White (F), White (L), Wilson and Zoghby.

—59

And the bill:

H. 905. To authorize the Barbour County Commission to compensate a Clerk in the Sheriff's Office.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 60; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Bowling, Brakefield, Brooks, Campbell, Carter, Casey, Clikas, Coburn, Coleman, Cosby, Crow, Drinkard, Dutton, Escott, Faulk, Flowers, Gaston, Grimsley, Grouby, Hall, Harper, Harvey, Hettinger, Howard, Johnson (A.L.), Johnson (Roy), Junkins, Kvalheim, Langford, Lauderdale, McMillan, Manley, Martin, Mitchell, Moore, Murphy, Newman, Parker, Poole, Preuitt, Rains, Rice, Scott, Smith, Starkey, Starr, Turnham, Waggoner, White (F), White (L), Wilson and Zoghby.

—60

And the bill:

H. 906. To propose an amendment to the Constitution of Alabama of 1901, to levy and collect an additional property tax within the Marengo County School District for public education purposes.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 88; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Horn, Howard, Johnson (A.L.), Johnson, (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Layton, McKee, McMillan, Manley, Mathis, Melton, Mitchell, Moore, Murphy, Newman, Parker, Poole, Preuitt, Rains, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thornton, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson and Zoghby.

—88

And the bill:

H. 916. (With Amendment): Relating to Shelby County; providing further for the licensing of retailers of alcoholic beverages.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 1, said committee amendment being as follows:

Amend H.B. 916, on Page 1, immediately following Line 25 by adding a new section to read as follows:

Section 2. It is provided further than licensees which have retail establishments existing as of the effective date of this act shall be exempt from the provisions of this act.

Further amend by renumbering remaining section accordingly.

And the amendment was adopted.

Yeas 63; Nays 0.

Yeas:

Reps.: Albright, Ashley, Bennett, Blake, Blakeney, Bowling, Brakefield, Brooks, Browder, Bryant, Campbell, Carter, Casey, Clark, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Gaston, Goodwin, Grimsley, Grouby, Hall, Harper, Hettinger, Horn, Johnson (A.L.), Johnson, (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Lauderdale, Layton, McKee, Mitchell, Moore, Murphy, Newman, Parker, Poole, Preuitt, Rains, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Thomas, Trammell, Turner, Turnham, Waggoner, White (L), Williams and Wilson.

—63

And the bill, H. 916, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 61; Nays 1.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Biddle, Blake, Blakeney, Bowling, Brakefield, Brooks, Browder, Campbell, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drinkard, Dutton, Gaston, Goodwin, Hall, Harper, Harvey, Hettinger, Johnson (A.L.), Johnson, (R.G.), Johnson (Roy), Kennedy, Kvalheim, Lauderdale, Manley, Melton, Mitchell, Moore, Murphy, Newman, Parker, Poole, Preuitt, Rains, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Thomas, Trammell, Turner, Turnham, White (L), Wilson and Zoghby.

—61

Nay: Rep. Escott. —1

And the bill:

H. 881. To establish service territories for electric suppliers in and around Tarrant City, Jefferson County, Alabama; to declare that it is the policy of the State of Alabama to ensure effective, economical and orderly supply of electric service at retail to customers in and around Tarrant City and to avoid unnecessary duplication of facilities by electric suppliers for the furnishing of retail electric service; to provide procedures for eliminating or reducing the potential for duplication of electric distribution facilities in and around Tarrant City by adopting and mandating that the procedures for elimination and prevention of the duplication of electric distribution facilities set forth in that certain agreement between Tarrant City and Alabama Power Company dated June 8, 1983 shall be the law of this State.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 67; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Biddle, Blake, Blakeney, Box, Brakefield, Brooks, Bryant, Campbell, Carter, Casey, Clark, Coleman, Cosby, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Gaston, Goodwin, Grimsley, Harper, Harvey, Hettinger, Horn, Howard, Johnson (A.L.), Johnson, (R.G.), Johnson (Roy), Kennedy, Kvalheim, Lauderdale, Layton, Lewis, McMillan, Manley, Moore, Murphy, Newman, Parker, Payne, Poole, Rains, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starr, Thomas, Thornton, Trammell, Turner, Turnham, Waggoner, White (F),

White (L), Wilson, Wright and Zoghby.

—67

And the bill:

H. 706. To further amend Section 3.07(h) of Act No. 452, of the Regular Session of the Legislature of Alabama of 1955 (Acts of 1955, Page 1004), as amended, also known as the Mayor-Council Act of 1955 so as to provide that the existing Council employees, within 30 days of this bill becoming law, may elect to withdraw from the general pension system upon application for such withdrawal, and provides that future Council employees to be included in the general pension system of the municipality upon application for such membership within 30 days of appointment.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 70; Nays 0.

Yeas:

Mr. Speaker, Ashley, Bennett, Biddle, Blake, Blakeney, Box, Brooks, Browder, Bryant, Buskey, Campbell, Carter, Casey, Clark, Coleman, Cosby, Crow, Davis, Drinkard, Escott, Faulk, Gaston, Goodwin, Grimsley, Grouby, Harper, Harvey, Hettinger, Horn, Howard, Johnson (A.L.), Johnson, (R.G.), Johnson (Roy), Kennedy, Kvalheim, Langford, Lauderdale, Layton, Lewis, McMillan, Moore, Murphy, Newman, Parker, Payne, Penry, Poole, Preuitt, Rains, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Thomas, Thornton, Trammell, Tucker, Turnham, Waggoner, White (F), White (L), Williams, Wilson, Wright and Zoghby.

—70

And the bill:

S. 474. Relating to Jefferson County; to regulate further the taking of fish from public streams and impounded waters in such county except in municipal parks; authorizing the taking of non-game fish by the use of wire mesh baskets, on which a privilege license tax has been paid; prohibiting the sale of fish so taken; prescribing penalties for violation of this Act.

Was read a third time at length and passed.

Yeas 59; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Biddle, Blake, Blakeney, Brakefield, Brooks, Mr. Speaker, Adams, Ashley, Bennett, Biddle, Blake, Blakeney, Brakefield, Brooks, Buskey, Campbell, Carter, Casey, Clark, Coburn, Coleman, Cosby, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Grouby, Harper, Harvey, Hettinger, Horn, Howard, Johnson (A.L.), Johnson, (R.G.), Johnson (Roy), Lauderdale, Layton, McMillan, Martin, Moore, Newman, Parker, Poole, Preuitt, Rains, Rice, Richardson, Rogers, Sasser, Scott, Smith, Starkey, Starr, Thomas, Thornton, Trammell, Tucker, Waggoner, White (L), Wilson, Wright and Zoghby.

—59

And the bill:

H. 859. Relating to the City of Prichard, Mobile County and the pension and retirement fund for such city; amending further Sections XII and

XXII of Act No. 235, H. 290, of the 1963 Regular Session (Acts 1963, p. 636) as last amended, relating to the payment eligibility and the formula therefor of certain retirees, and persons who leave city service before retirement, so as to provide that all monies contributed by the member to such fund and increases for retirees.

Was taken up.

SUBSTITUTE OFFERED

Reps. Clark and Buskey offered the following substitute to the bill, H. 859:

A BILL
TO BE ENTITLED
AN ACT

Relating to the City of Prichard, Mobile County and the pension and retirement fund for such city; amending further Sections XII and XXII of Act No. 235, H. 290, of the 1963 Regular Session (Acts 1963, p. 636) as last amended, relating to the payment eligibility and the formula therefor of certain retirees, and persons who leave city service before retirement, so as to provide that all monies contributed by the member to such fund and increases for retirees.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections XII and XXII of Act No. 235, H. 290, of the 1963 Regular Session (Acts 1963, p. 636) as past amended, are hereby amended to read as follows:

"SECTION XII. Any employee of the City of Prichard who has been in the service thereof for as long as twenty five (25) years, the last four (4) years of which (counting a major fraction of a year as a full year) have been continuous, upon making written application to the City Council of the City of Prichard, Alabama, therefor, shall, without medical examination or disability be retired from service of the City of Prichard and upon such retirement the said Council shall direct the payment to said retiring employee, if he or she be fifty five (55) years of age or more, monthly from such fund, a sum equal to fifty five percent (55%) of the monthly compensation received by such employee as salary or other compensation at the time of his or her retirement, or an amount equal to fifty-five percent (55%) of the average compensation of such employee over the then past four (4) calendar years, whichever shall be the greater, multiplied by the percentages applicable from the table below:

"Years Service	Percentage
25	55
26	56
27	57
28	58
29	59
30	60

"Provided that the percentage shall increase 1% for each year of service over 30 years. Any employee of the City of Prichard who has been in the service thereof for as long as thirty (30) years or longer, the last four (4) years of which (counting a major fraction of a year as a full year) have been continuous, upon making written application to the City Council of the City of Prichard, Alabama, therefor, shall, without medical examination or disa-

bility, be retired from service from such city and upon such retirement, the said Council shall direct the payment to such retiring employee if he or she be fifty five (55) years of age or more, monthly from such fund, a sum equal to sixty percent (60%) of the monthly compensation received by such employee as salary or compensation at the time of his or her retirement, or an amount equal to sixty percent (60%) of the average compensation of such employee over the then past four (4) calendar years, whichever shall be the greater.

"If the employee should not be age fifty five (55), however, the pension as described in the foregoing sentences to which the employee is entitled upon reaching the age of fifty five (55) shall commence at such earlier date as the employee may elect. In the event of such election of the commencement of his or her pension by any employee before age fifty five (55), as above, the amount of the pension to which he or she then becomes entitled will be the actuarial equivalent of the amount of the pension to which the employee would have become entitled upon reaching age fifty five (55). The said actuarially equivalent pension shall reflect the loss of interest due to the earlier commencement of the pension payments and the longer life expectancy of the employee at his or her earlier age, and shall be determined by the actuary employed by the City Council of the City of Prichard, Alabama, using in his calculations the interest and mortality assumptions employed by him in his most recent valuation of the liabilities under the pension fund as of the date of any such election by an employee.

"With regard to any years of service prior to a break in service of the employee, which are included in the computation of the total service of an employee under the terms of his section, on account of which years the employee had withdrawn the one-half (½) of his own contributions to which he would have been entitled under SECTION XXI hereof, no such years will be credited to the employee in the computation of his or her pension until he or she has repaid to the fund the amount of his or her contributions previously withdrawn, plus compound interest at four percent (4%) per annum, from the date of the withdrawl to the date of his or her retirement.

"At the time an across-the-board raise is given to the City employee of the City of Prichard, future retirees shall be entitled to fifty percent (50%) of the raise given to active city employees.

"Whenever an active employee of the City of Prichard, or a former employee of the City of Prichard retired under the terms of this Act shall die while so employed or enjoying the benefits of such pension, there shall be appropriated and paid from the fund the sum of Two Hundred Fifty and 00/100 Dollars ($250.00) for funeral and burial expenses of such decedent, which such sum shall be used for funeral and burial expenses and paid out on order of the head of the department of which such decedent was a member, or on order of the City Council of the City of Prichard, Alabama.

"SECTION XXII. Whenever any person who contributes to the fund provided for by this act shall leave the service for any reason he or she will be entitled to the return of all monies contributed by him or her to such fund, but without interest."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 47; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Blake, Box, Brakefield, Brooks, Bryant, Campbell, Carter, Coleman, Cosby, Crow, Davis, Dutton, Faulk, Goodwin, Grimsley, Grouby, Harper, Hettinger, Horn, Howard, Johnson (A.L.), Johnson (Roy), Kennedy, Lauderdale, McMillan, Martin, Newman, Nicholson, Parker, Penry, Poole, Rice, Richardson, Rogers, Scott, Smith, Starkey, Starr, Thomas, Thornton, Turner, White (F) and White (L).

—47

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 859, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 63; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Blake, Blakeney, Box, Brooks, Bryant, Buskey, Campbell, Carter, Casey, Clark, Clikas, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Gaston, Goodwin, Grimsley, Grouby, Harper, Hettinger, Horn, Howard, Johnson (A.L.), Johnson (Roy), Kennedy, Kvalheim, Langford, Lauderdale, McMillan, Martin, Melton, Newman, Nicholson, Parker, Penry, Poole, Rains, Rice, Richardson, Rogers, Sasser, Scott, Smith, Starkey, Starr, Stout, Thomas, Thornton, Turner, White (F), White (L), Wilson and Zoghby.

—63

And the bill:

H. 891. Relating to Montgomery County; to amend Sections 5, 7 and 8 of Act No. 833, H. 1100 of the 1969 Regular Session of the Alabama Legislature (Acts 1969, p. 1522), as amended, relating to the retirement system for employees of Montgomery County, so as to grant authority to the Montgomery County Commission to adopt tables upon which to base discretionary annual valuations of assets and liabilities of the Montgomery County Retirement System; to require that such valuations be made at length once in each five-year period; to grant power to the Montgomery County Commission to determine, at its discretion, the interest rate earned on the funds of the Montgomery County Retirement System; to provide for the payment of administration expenses of the Montgomery County Retirement System; and, to allow available monies not exceeding ten per centum of the total assets of the Montgomery County Retirement System to be held in non-interest bearing accounts.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 55; Nays 0.

Yeas:

Mr. Speaker, Albright, Ashley, Bennett, Blake, Blakeney, Box, Brakefield, Brooks, Bryant, Campbell, Carter, Casey, Clark, Coleman, Cosby, Davis,

Dutton, Escott, Faulk, Ford, Gaston, Grimsley, Grouby, Hettinger, Horn, Johnson (A.L.), Johnson (Roy), Junkins, Kennedy, Langford, Lauderdale, McKee, McMillan, Martin, Murphy, Newman, Parker, Penry, Poole, Rice, Richardson, Rogers, Sasser, Scott, Smith, Starkey, Starr, Thomas, Turner, Warren, White (F), White (L), Wilson and Zoghby.

—55

And the bill:

H. 890. Relating to Houston County; to provide for an expense allowance for the members of the county board of education and to repeal certain conflicting laws.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 60; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Box, Brakefield, Brooks, Browder, Bryant, Carothers, Carter, Clark, Coleman, Crow, Davis, Faulk, Ford, Gaston, Goodwin, Grimsley, Grouby, Hettinger, Howard, Johnson (A.L.), Johnson, (R.G.), Johnson (Roy), Junkins, Kennedy, Langford, Mathis, Mitchell, Moore, Murphy, Newman, Parker, Penry, Poole, Preuitt, Rains, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starr, Thomas, Thornton, Trammell, Warren, White (F), White (L), Williams, Wilson and Zoghby.

—60

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Venable, the rules were suspended in order to take up out of order the bill, H. 601.

And the bill:

H. 601. To amend Act No. 1158, S. 866, Regular Session 1969 (Acts 1969, p. 2163), which provides for the office of public defender in certain judicial circuits having a certain minimum state penitentiary population, so as to provide that each county having such a minimum state penitentiary population within each such circuit shall have a public defender; to provide that the governor shall appoint any such public defender for any vacancy occurring prior to the general election of 1984; and to provide that at the 1984 general election and every four years thereafter, a public defender shall be elected.

Was read a third time at length and passed.

Yeas 58; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Bowling, Brooks, Browder, Bryant, Campbell, Carothers, Carter, Clark, Coleman, Crow, Dutton, Faulk, Ford, Goodwin, Grimsley, Grouby, Harper, Hettinger, Horn, Howard, Johnson (A.L.), Johnson, (R.G.), Johnson (Roy), Junkins, Kennedy, Langford, Lauderdale, McKee, Mathis, Mitchell, Moore, Murphy, Parker, Penry, Poole, Rice, Richardson, Scott, Seibels, Smith, Starr, Thomas, Turner, Venable, Warren, White (F), White (L), Williams,

Wilson and Zoghby.

—58

SPECIAL ORDER RESUMED

The House then proceeded with the consideration of the Unfinished Business on the Special Order Calendar.

And the resolution, H. J. R. 418:

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Legislature authorize the Alabama Department of Environmental Management to approve, at its discretion, a hazardous waste treatment facility or disposal site to be situated and located on the following described property in Lowndes County, Alabama:

S ½, Sec. 22, lying South of the Montgomery-Selma Highway (U.S. Highway 80);

All of Sec. 27;

NE ¼ of NW ¼, N ½ of NE ¼, and SE ¼ of NE ¼, Sec. 34:

SE ¼ and S ½ of SW ¼, Sec. 26;

NW ¼, E ½ of SW ¼, and W ½ of SW ¼ of SE ¼, Sec. 35;

All lying in Township 15 North, Range 14 East, Lowndes County, Alabama and containing 1620 acres, more or less.

Was taken up.

MOTION TO SUSPEND RULES AND ADOPT

Rep. Starkey offered the motion to suspend the rules and adopt the resolution H. J. R. 418.

DIVISION OF THE QUESTION

Rep. Thomas called for the Division of the Question and the call was sustained.

MOTION TO SUSPEND RULES LOST

The question was then on the motion offered by Rep. Starkey to suspend the rules in order to take up for immediate consideration the resolution, H. J. R. 418, and the motion was lost.

Yeas 12; Nays 48.

Yeas:

Reps.: Ashley, Brooks, Hettinger, Junkins, Lauderdale, McMillan, Moore, Nicholson, Parker, Penry, Scott and Starkey.

—12

Nays:

Mr. Speaker, Albright, Bennett, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Bryant, Buskey, Casey, Clark, Cosby, Davis, Drinkard, Dutton, Escott, Faulk, Ford, Gaston, Hammett, Harper, Holley, Horn, Howard, Johnson (R.G.), Johnson (Roy), Kennedy, Laird, Langford, Lewis, McKee, Melton, Mitchell, Newman, Payne, Poole, Rains, Richardson, Rogers,

Seibels, Smith, Venable, White (F), White (L), Wilson and Wright.

—48

The resolution, H. J. R. 418, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bills, your signature thereto is requested:

S. 38. To amend Chapter 41 of the Alabama Insurance Code to authorize and limit the investment by domestic life, disability, and burial insurers in oil and gas producing properties and facilities.

Also:

S. 109. To provide for the protection of state employees, agents, or servants for certain wrongful acts or omissions committed while in the performance of their official duties in the line and scope of their employment through the purchase of liability insurance or through the self-insurance of the several state departments, agencies, boards or commissions; to provide a procedure for the notification of the State Attorney General of suits against state employees for acts committed in the performance of their official duties in the line and scope of their employment; and to provide that the costs of such liability insurance or self-insurance shall be paid from funds appropriated to the several departments, agencies, boards or commissions for operation.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Joint Resolutions, your signature thereto is requested:

S. J. R. 179. NAMING A PORTION OF HIGHWAY 50 "THE REVEREND JAMES ARTER SMITH HIGHWAY."

Also:

S. J. R. 180. COMMENDING MRS. GLORIA GARY FOR OUTSTANDING SERVICE TO THE STUDENTS OF SCOTT ELEMENTARY SCHOOL IN PRATT CITY.

Also:

S. J. R. 225. COMMENDING MR. JOHN A. STANLEY, SR., OF CHICKASAW, ALABAMA, FOR OUTSTANDING SERVICE.

Also:

S. J. R. 249. URGING PRESIDENT REAGAN AND THE CONGRESS TO EXPEDITE THE APPROPRIATIONS FOR REPLACEMENT OF THE WILLIAM BACON OLIVER LOCK AND DAM ON THE WARRIOR RIVER NEAR TUSCALOOSA, ALABAMA.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE JOINT RESOLUTIONS

The Speaker of the House in the presence of the House immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolutions, the titles of which are set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bills, your signature thereto is requested:

S. 65. To amend Sections 34-27-2, 34-27-3, 34-27-4, 34-27-7, 34-27-11 and 34-27-30 through 34-27-38 of the Code of Alabama 1975 which regulate real restate brokers, salesmen and real estate transactions, so as to provide further therefor.

Also:

S. 68. To amend Section 41-16-51, Code of Alabama 1975, which exempts certain contracts from the requirements of the competitive bid law, so as to exempt contracts up for renewal entered into by municipalities and/or counties for sanitation services; and to clarify the exemption relating to the expenditure of funds by utility systems for supplies or materials.

Also:

S. 119. To be known as "The Revised Alabama Professional Corporation Act" revising the laws of Alabama in Title 10 of the Code of Alabama 1975, as amended, providing for: application of business corporation act and short title, application of business corporation act and nonprofit corporation act, definitions, purposes, applicability, general powers, rendering professional services, corporate name, issuance and transfer of shares and share certificates, death or disqualification of a shareholder, liability, professional relationships including privileged communications, voting trusts, directors and officers, amendments to articles of incorporation, merger and consolidation, involuntary dissolution at request of licensing authority, admission of foreign professional corporations, revocation of certificate of authority, annual report of domestic and foreign professional corporations, interrogatories by licensing authority, penalties, and remedies, regulation of professional corporations, application to existing corporations; repealing Article 11 of Chapter 4, Title 10, Code of Alabama (1975); amending Section 10-10-2, Code of Alabama (1975); and providing that Title 10, Article 10, Code of Alabama shall only apply to unincorporated associations organized before the effective date of this Act.

Also:

S. 127. To be known as "The Alabama Limited Partnership Act of 1983" revising the laws of Alabama in Title 10 of the Code of Alabama 1975 providing for: general provisions, formation, certificate of limited partner-

ship, amendment to certificate, cancellation of certificate and filing of certificate; limited partners; general partners; finance; distribution and withdrawal; assignment of partnership interest; dissolution; foreign limited partnerships; derivative actions; and to prescribe the powers, authority and duties of such limited partnerships, and of the limited and general partners thereof; repealing § 10-9-1 through § 10-9-5; § 10-9-20 through § 10-9-28; § 10-9-40 through through § 10-9-52; § 10-9-70; § 10-9-80; § 10-9-90; § 10-9-110 through § 10-9-129: and § 10-9-140 through § 10-9-147, Code of Alabama (1975); and amending § 10-9-91, Code of Alabama (1975) to provide as to the circumstances in which this act applies to limited partnerships formed prior to the effective date of this Act.

Also:

S. 369. To establish the Senior Citizens Hall of Fame for the purposes of honoring persons making certain contributions for the betterment of the lives of older American citizens; to provide for the membership and election; to create a committee appointed by the Governor, and providing duties, powers and life of such committee; to provide for a chairman and clerical assistance and the conduct of its business; and to provide for the reimbursement of the actual and necessary expenses of the members of the committee.

Also:

S. 373. The purpose of this bill is to amend Sections 12-16-34 and 12-16-37, Code of Alabama 1975, which sections relate to jury commissions, jury commission clerks, and clerical assistance; to provide for their appointment, their compensation and to provide for the method by which claims shall be submitted to the State for payment; and to repeal all local laws and general bills of local application in conflict with the provisions in Article 2 of Title 12, Chapter 16, Code of Alabama 1975.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of the quorum present, signed the Bills, the titles of which are set out in the above and foregoing Message from the Senate.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 163. To provide for the establishment of a uniform plan of health insurance for employees and, under certain conditions, retired employees of state educational institutions which provide instruction at any combination of grades K-14, exclusively, under the auspices of the state board of education; and to provide a method for funding the benefits authorized herein. To further provide that any agency covered by the Teachers' Retirement System may elect, under certain conditions, to have its employees and retired employees covered by the provisions of this act and to establish a procedure for funding the cost of coverage on account of such employees and retired

employees. To provide for the creation of the Public Education Employees' Health Insurance Board, its authority, responsibilities, powers, and duties, and to provide for the terms of its members. To further provide for the types of medical/hospital coverages which may be offered under the public education employees' health insurance plan. To further provide that the board, upon certain finding, may develop a plan of self insurance.

And finds same correctly enrolled.

JOHN S. CASEY,
Chairman.

SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

MOTION TO SUSPEND RULE ADOPTED

On motion of Rep. Venable, Rule 4(4) was suspended in order to transmit the bill, H. 601 to the Senate.

SPECIAL ORDER RESUMED

And the bill:

S. 58. (With Substitute) (With Amendments): To propose a new constitution for the State of Alabama to replace the Constitution of 1901, as amended.

Was taken up.

SUBSTITUTE OFFERED

Rep. Johnson (Roy) offered the following substitute to the bill, S. 58:

A BILL
TO BE ENTITLED
AN ACT

To amend the Constitution of 1901 by replacing the article on the Executive, Article 5, by replacing the article on Impeachment, Article 7, by replacing the article on Sufferage and Elections, Article 8, and by amending Article 6.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment, which replaces articles 5, 7 and 8 of the Constitution of 1901 and which amends certain other portions of the Constitution is proposed and shall become valid as a part of the Constitution when approved and proclaimed as prescribed by law.

CONSTITUTIONAL AMENDMENT

1. Article 5, Sections 112 through 138, inclusive, of the Constitution of Alabama of 1901, including amendments 38 and 282 thereto, and all other provisions of the Constitution of 1901 and amendments thereto that conflict with the following article are hereby repealed and in lieu thereof the following article shall be adopted:

ARTICLE V

EXECUTIVE DEPARTMENT

Section 5.01. Executive Power and the Executive Department.

The principal executive power of the state shall be vested in a governor. The executive department shall include a governor, a lieutenant governor, an attorney general, a state auditor, a secretary of state, a state treasurer, a commissioner of agriculture and industries, and a sheriff for each county.

Section 5.02. Election and Term of Office of Executive Officers.

The governor, lieutenant governor, attorney general, state auditor, secretary of state, state treasurer, and commissioner of agriculture and industries shall be elected by the electors of the state at the time and places appointed for the election of members of the legislature. They shall hold their respective offices for a term of four years, commencing at twelve o'clock noon on the first Monday after the second Tuesday in January succeeding their election and until their successors shall be elected and qualified. All officers shall be eligible to succeed themselves in office, but no persons elected to any offices enumerated above shall be eligible to succeed themselves for more than one additional elective term.

Section 5.03. Election Returns.

The returns of every election for governor, lieutenant governor, attorney general, state auditor, secretary of state, state treasurer, and commissioner of agriculture and industries shall be sealed and transmitted by the returning officers to the seat of government and directed to the speaker of the house of representatives, who shall open and publish the votes in the manner prescribed by law. The person having the highest number of votes for any one of said offices shall be declared elected; but if two or more shall have the highest and an equal number of votes, the legislature by a majority vote of the total number of the two houses meeting in joint session, shall choose one of said persons without delay. Contested elections shall be determined by both houses in the manner prescribed by law.

Section 5.04. Qualifications of Governor and Lieutenant Governor.

The governor and lieutenant governor shall be at least thirty years of age when elected and shall have been qualified voters and resident citizens in this state for seven years prior to their election.

Section 5.05. Compensation and Place of Residence of Executive Officers.

The governor, lieutenant governor, attorney general, state auditor, secretary of state, state treasurer, and commissioner of agriculture and industries, shall receive compensation to be fixed by law, which shall not be increased or diminished during the term for which they shall have been elected, and shall, except the lieutenant governor, reside in the county of the location of the state capital during the time they continue in office. The compensation of the lieutenant governor shall be the same as that received by the speaker of the house, except while serving as governor, during which time the lieutenant governor's compensation will be the same as that allowed the governor.

Section 5.06. Legislative Responsibilities of Governor.

(a) Special Sessions. The governor may by proclamation on extraordinary occasions convene the legislature at the seat of government or at

a different place if the seat of government shall become dangerous, and shall state specifically in such proclamation each matter concerning which the action of that body is deemed necessary.

(b) Messages to the Legislature. The governor shall from time to time give to the legislature information on the state of the government. The governor shall transmit to the legislature a budget setting forth a financial program for the fiscal year which will have begun before the next regular session as prescribed by law. The governor shall also account to the legislature, as may be prescribed by law, for all money received and paid out by the governor or by the governor's order; and at the commencement of each regular session shall present to the legislature estimates of the amount of money required to be raised by taxation for all purposes.

(c) Veto. Every bill passed by the legislature shall before it becomes a law be presented to the governor unless otherwise provided by this Constitution. If the legislature is in session, the bill shall become law if the governor signs or fails to veto it within seven calendar days of presentation. If the legislature is prevented from returning by recess, such bill must be returned to the house in which it originated on the first legislative day after the reassembling, otherwise, it shall become law. If the legislature adjourns sine die before presentation or during such seven day period, the bill shall become law only if the governor signs it within twenty calendar days of presentation. When the governor vetoes a bill, the governor shall within seven calendar days of presentation, return it to the secretary or clerk of the house in which the bill originated, unless the legislature shall, by final adjournment, prevent such return. If the bill is returned, it shall be reconsidered, and if a majority of the members elected to each house vote for the passage of the bill, it shall become law.

(d) Executive Amendments. The governor may, within seven calendar days after a bill has been presented to the governor for signature, return such bill to the house in which it originated with recommendations for its amendment; but when return is prevented by recess such bill must be returned to the house in which it originated on the first legislative day after the reassembling, otherwise, it shall become a law. Both houses may adopt but cannot amend such amendment. If both houses approve such amendment, the bill as amended shall become law. If either house refuses to approve such amendment, then either house may reconsider the original bill and repass it by a majority vote. If both houses repass the original bill, it shall become law without the governor's signature. In all cases above set forth, the governor's objections, the names of the members voting for or against the bill, or amendments thereto, shall be entered on the journal.

(e) Appropriation Bills. The governor shall have power to approve or disapprove any item or items of any appropriation bill embracing distinct items, and the part or parts of the bills approved shall be the law, and the item or items disapproved shall be void, unless the item or items disapproved shall be repassed according to the rules and limitations prescribed for the passage of the bills over the executive veto. The governor shall in writing state specifically the item or items disapproved of, setting the same out in full in his message, but in such case the enrolled bill shall not be returned with the governor's objection.

Section 5.07. Executive and Administrative Powers of the Governor.

(a) Execution of Laws. The governor shall be responsible for the faithful execution of the laws.

(b) Information. The governor may require information in writing, under oath, from the officers of the executive department, and all officers and managers of state institutions, on any subject relating to the duties of their respective offices or the condition, management and expenses of their respective departments or institutions. Any such officer or manager who willfully makes a false report or fails without sufficient excuse to make a required report on demand is guilty of an offense for which he may be removed.

(c) Executive Reorganization. Except for organizational arrangements specified in this Constitution, the governor may make such changes in the organization of the executive department or in the assignment of functions among its units as he considers necessary for efficienct administration. If such changes affect existing statutory law, they shall be set forth in executive orders, which must be submitted to the legislature during a regular or special session, where they may be amended, approved or disapproved, and shall become effective, and shall have the force of law, if approved or amended and approved by a majority of each house. No executive reorganization that changes or applies to statutory law shall be effected until final approval by the enactment of a bill into law. The governor shall not, however, make changes which would become effective later than one hundred and eighty days before the end of such governor's administration. For the purpose of this subsection the term "executive department" shall not include any other constitutional office or any departments, bureaus, and agencies whose director or head is appointed by any other constitutional officer or serves at the governor's pleasure.

(d) Commander in Chief. The governor shall be the commander in chief of the armed forces of this state, except when they are called into the service of the United States, and may call them out to execute the laws, to preserve order, to provide assistance in the event of public disaster, to suppress insurrection to or repel invasion.

(e) Power to Fill Vacancies. The governor shall have power to fill vacancies in all offices of the state for the filling of which the Constitution or laws make no other provision. The writ of election shall be called in the manner provided by law.

Section 5.08. Executive Clemency.

The governor shall have the power to grant reprieves and commutations to persons under sentence of death. The legislature may provide for and regulate the administration of pardons, paroles, remission of fines and forfeitures, and may authorize the courts having criminal jurisdiction to suspend sentence and to order probation. No pardon shall relieve from civil and political disabilities unless specifically provided otherwise therein.

Section 5.09. Succession to the Office of Governor.

(a) Removal, Death or Resignation of Governor. In case of the governor's removal from office, death, or resignation the lieutenant governor shall become governor.

(b) Removal, Death or Resignation of Governor and Lieutenant Governor. If both the governor and the lieutenant governor be removed from office, die or resign, the unexpired terms of the governor and lieutenant governor shall be filled by a special election, except when such unexpired terms are less than one year, in which case a new governor and lieutenant governor shall not be elected until the next regular gubernatorial election. In the event of such vacancy, the office of governor shall be held and administered

by the speaker of the house of representatives, the president pro tempore of the senate, attorney general, state auditor, secretary of state or state treasurer, in order, until the new governor is elected and qualified.

(c) Vacancies due to Disability or Absence. When the governor is unable to discharge the duties of his office by reason of physical or mental disability, or when the duties are not being discharged by reason of the governor's absence from the state for twenty successive days, the power and authority of the office shall, until the governor returns to the state or regains mental competence, or relieved from other disability, devolve in the order herein named upon the lieutenant governor, the speaker of the house of representatives, the president pro tempore of the senate, attorney general, state auditor, secretary of state, or state treasurer. If any of the officers in the line of succession be under any of the disabilities herein specified, the office of the governor shall be administered in the order named by such of these officers as may be free from such disability. If the governor's disability or absence does not terminate within ninety successive days, the office of the governor shall be vacant as if the governor had died.

(d) Failure of Governor to Qualify. If the governor-elect fails to qualify, the lieutenant governor-elect shall qualify and exercise the duties of governor until the governor-elect qualifies. In the event that both the governor-elect and the lieutenant governor-elect fail to qualify, the speaker of the house, the president pro tempore of the senate, the attorney general, state auditor, secretary of state, and state treasurer shall, in the order named, administer the office until the governor-elect or the lieutenant governor-elect qualifies, or until the office of governor has been filled by an election and the newly elected governor has qualified. If both the governor-elect and the lieutenant governor-elect fail to qualify within six months of the beginning of their terms of office, the unexpired term of the governor-elect and the lieutenant governor-elect shall be filled by a special election.

Section 5.10. Procedure for Determination of Incapacity of Governor.

(a) If the governor or acting governor shall appear to be unable to perform the duties of the office because of physical or mental disability or absence from the state, it shall be the duty of the supreme court upon the request in writing by the attorney general, the speaker of the house, the president pro tempore of the senate, or any one of them, not next in succession to the office of governor, to ascertain the truth of the charges. If the governor is adjudged to be unable to perform the duties of the office because of physical or mental disability, or absence from the state, it shall be the duty of the officer next in succession to perform the duties of the office until the disability is removed or until the governor returns to the state. If the incumbent denies that the disability of the governor or other person entitled to administer the office has been removed, the supreme court shall ascertain the truth concerning the same. If the disability has not continued for more than ninety successive days and has been removed, the court shall so decree, and the office shall be restored to such governor. The supreme court shall prescribe the method of taking testimony and the rules of practice in such proceedings.

(b) The physical disability of the governor to perform the duties of the office may also be established by the governor's written declaration to that effect transmitted to the officer next in line of succession and to the attorney general. If the physical disability is removed within ninety successive days, the governor may resume the office by notifying the acting governor and the attorney general. Any question concerning the governor's ability

to resume the office shall be decided by the supreme court.

Section 5.11. Compensation of Acting Governor.

The lieutenant governor, speaker of the house, president pro tempore of the senate, attorney general, state auditor, secretary of state or state treasurer, while administering the office of governor, shall receive from the state the same compensation as that prescribed by law for the governor and no other.

Section 5.12. Lieutenant Governor, Attorney General, and Other Officers.

(a) Duties of the Lieutenant Governor. The lieutenant governor shall be ex officio president of the senate but shall have no right to vote except in case of a tie.

(b) Qualifications of Attorney General. The attorney general shall be at least thirty years of age. Such person shall have been a qualified voter of the state of Alabama, and licensed to practice law for three years in this state, and a resident citizen thereof, for five years prior to election.

(c) The Secretary of State. The secretary of state shall be the custodian of the great seal of the state, and shall authenticate therewith all official acts of the governor, except the governor's approval of laws, resolutions, appointments to office, and administrative orders. The Secretary of State shall keep a register of the official acts of the governor, and when necessary, shall attest them, and lay copies of same together with copies of all papers relative thereto, before either house of the legislature, when required to do so, and shall perform such other duties as may be prescribed by law.

(d) State Treasurer and Auditor. The state treasurer and state auditor shall, every year, at a time fixed by the legislature make a full and complete report to the governor, showing the receipts and disbursements of every character, all claims audited and paid out, by items, and all taxes and revenues collected and paid into the treasury, and the sources thereof. They shall make reports upon any matters pertaining to their offices if required by the governor or the legislature.

(e) Removal for Insanity or Incapacity to Perform Duties. In case the lieutenant governor, attorney general, secretary of state, state auditor, state treasurer, or commissioner of agriculture and industries shall appear to be unable to perform the duties of the office they hold because of physical or mental disability, such inability to perform such duties shall be ascertained by the supreme court upon suggestion of the governor, and if found to be insane or unable to perform such duties because of physical disability, the office shall be vacant.

Section 5.13. Election and Term of Office of Sheriffs; Sheriff Eligible to Succeed Self; Impeachment of Sheriff; Effect of Impeachment of Sheriff.

A sheriff shall be elected in each county by the qualified electors thereof who shall hold office for a term of four years unless sooner removed, and shall be eligible to hold such office for successive terms. Whenever any prisoner is taken from jail, or from the custody of any sheriff or deputy, and put to death, or suffers grievous bodily harm, owing to the neglect, connivance, cowardice, or other grave fault of the sheriff, such sheriff may be impeached, under this constitution. If the sheriff be impeached, and thereupon convicted, such person shall not be eligible to hold any office in this state during the time for which such person had been elected or appointed to serve as sheriff.

Section 5.14. State Seal.

There shall be a seal of the state, which shall be used officially by the governor, and the seal now in use shall continue to be used until another shall have been adopted by the legislature. The seal shall be called, "The Great Seal of the State of Alabama."

2. Article 7, Sections 173 through 176 inclusive, of the Constitution of Alabama of 1901, and all provisions of the Constitution of 1901 and amendments thereto that conflict with the following article are hereby repealed and in lieu thereof the following article shall be adopted:

ARTICLE VII

IMPEACHMENTS

Section 7.01. Impeachment of State Officers.

(a) The governor, or acting governor, and all state officers, and judges, who are elected on a statewide basis, shall be subject to impeachment by the house of representatives for willful neglect of duty, corruption in office, or the commission of the felony offense while in office.

(b) Unless otherwise provided by law, impeachment by the house of representatives shall be tried by the senate; sitting as a court of impeachment. When sitting as a court of impeachment, the senate shall have such judicial power reasonably necessary to carry out this purpose, including the power of subpoena. No person shall be convicted by the senate without the concurrence of at least two-third of the members present.

(c) When the governor, lieutenant governor, or acting governor is impeached, the chief justice, or one of the associate justices of the supreme court, to be selected by it, shall preside over the senate when sitting to try an impeached officer.

(d) If at any time when the legislature is not in session, a majority of all the members elected to the house of representatives shall certify in writing to the speaker of the house their desire to meet to consider the impeachment of the governor or acting governor, it shall be the duty of the speaker of the house to summon the members of the house to assemble at the capitol to consider the impeachment of the governor or acting governor. If the house of representatives prefers articles of impeachment, the lieutenant governor or president pro tempore of the senate, if the lieutenant governor has been impeached by the house, shall summon the members of the senate to assemble at the capitol for the purpose of trying the impeached officer.

(e) An officer impeached by the house of representatives shall be disqualified from performing any official duties and receiving any compensation until such officer has been tried and acquitted; and shall be removed from office upon conviction.

Section 7.02. District Attorneys and sheriffs.

District attorneys and sheriffs may be removed from office by the supreme court for any of the causes specified in Section 7.01(a), under such regulations as may be prescribed by law.

Section 7.03. County and City Officers.

All county officers and officers of incorporated cities and towns may be removed from office for any of the causes specified in section 7.01(a) of this article by a court having jurisdiction to try felony cases in the county or

district in which such officers hold their office. The legislature shall provide by law the method of proceeding under this section, provided that the right of trial by jury and appeal in such cases shall be secured. This section shall not apply to the judge of any court who may be removed by procedures provided by the judicial article.

Section 7.04 Penalties Upon Conviction.

Any person convicted in cases arising under the three preceding sections shall be removed from office and shall be disqualified from holding any office under the state during the term for which such person was elected or appointed. But the person convicted, or acquitted, shall be subject to criminal punishment according to law.

3. Article 8, Sections 177 through 196, inclusive, of the Constitution of Alabama of 1901, and all other provisions of the Constitution of 1901 and amendments thereto, that conflict with the following article are hereby repealed and in lieu thereof the following article shall be adopted:

ARTICLE VIII

SUFFRAGE AND ELECTIONS

Section 8.01. Qualifications for Voting.

Every citizen of the United States who has attained the age of eighteen years and has resided in this state and in a county thereof for the time provided by law, if registered as provided by law, shall have the right to vote in the county of residence.

Section 8.02. Disqualifications.

No person convicted of a felony or who is mentally incompetent, shall be qualified to vote until restoration of civil and political rights or removal of disability.

Section 8.03. Regulation of Elections.

The legislature shall by law provide for the registration of voters, absentee voting, secrecy in voting, the administration of elections, and the nomination of candidates.

4. Amend section 6.09(d) of Article VI of the Constitution of 1901, as amended, as follows:

(d) The commission may submit a report to the legislature at any time within the first five calendar days of any session. If before the end of the tenth legislative day of the session to which the report is submitted, the legislature has not taken final action approving, disapproving or amending the recommendation of the commission, both houses of the legislature shall as the first order of business on the eleventh legislative day cause a vote to be taken on whether the recommendations of the commission shall be approved, disapproved, or amended. If approved, or amended, the recommendations shall become law as approved or amended. The compensation of a judge shall not be diminished during the judge's term.

5. Amend section 6.17(b) of Article VI of the Constitution of 1901, as amended, as follows:

(b) The commission shall be convened permanently with authority to conduct investigations, receive and initiate complaints concerning any judge of a court of the judicial system of this state, excluding judges who are elected on a state-wide basis. The commission shall file a complaint with the

court of the judiciary in the event that a majority of the members of the commission decide that a reasonable basis exists, (1) to charge a judge with violation of any canon of judicial ethics, misconduct in office, failure to perform duties, or (2) to charge that the judge is physically or mentally unable to perform the duties of said office. All proceedings of the commission shall be confidential, except the filing of a complaint with the court of the judiciary. The commission shall prosecute the complaints.

Section 2. All officers filling any office by election or appointment under Article 5 of the Constitution of 1901 shall continue the duties thereof, until their offices shall have been abolished or their successors elected and qualified in accordance with this amendment, or law authorized by this amendment. No provision of this amendment, or law authorized by this amendment, shall shorten the term of any person elected to state office prior to the date on which this amendment shall become effective.

Section 3. Except to the extent inconsistent with the provisions of this amendment, all provisions of law and rules of court in force on the effective date of this amendment shall continue in effect until superceded in the manner authorized by the constitution.

Section 4. An election upon the proposed amendment shall be held on the first special, primary or general election after the expiration of three months from final adjournment of the current session of the legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama of 1901, as amended, and Section 17-3-7 of the Code of Alabama, 1975.

Section 5. Notice of the election and of the proposed amendment shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the state. If a newspaper is not published in a county, a copy of the notice shall be posted at the courthouse and at three other places in the county.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 54; Nays 34.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Biddle, Blake, Bowling, Box, Brakefield, Browder, Bryant, Buskey, Carothers, Casey, Coleman, Cosby, Crow, Davis, Drinkard, Dutton, Ford, Goodwin, Grouby, Hall, Harvey, Holley, Horn, Johnson, (R.G.), Johnson (Roy), Junkins, Kennedy, Laird, Langford, Lauderdale, Layton, Manley, Mathis, Minus, Moore, Newman, Nicholson, Parker, Penry, Poole, Richardson, Rogers, Smith, Stout, Tucker, Turner, White (F), Williams and Zoghby.

—54

Nays:

Reps.: Blakeney, Brooks, Campbell, Carter, Clikas, Flowers, Freeman, Gaston, Grimsley, Hammett, Harper, Hettinger, Johnson (A.L), Kvalheim, Lewis, McKee, McMillan, Melton, Mitchell, Murphy, Payne, Preuitt, Rice, Scott, Seibels, Starkey, Starr, Thornton, Turnham, Venable, Warren, White (L), Wilson and Wright.

—34

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the House amendment to the following Senate Bill:

S. 434. Relating to the Alabama Space Science Exhibit Commission, to amend section 41-9-430, section 41-9-432 and section 41-9-435 of the Code of Alabama 1975 in order to empower the Alabama Space Science Exhibit Commission to construct and acquire or lease lodging facilities including parking facilities and facilities for meetings therein, for use by visitors to the commission's permanent exhibit, and to provide for the issuance by the commission of revenue bonds to finance such facilities, and describe and provide for the security therefor.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 415. CONGRATULATING MR. JOSEPH WALTON GREEN, JR., OF SELMA, ALABAMA, ON THE OCCASION OF HIS 100th BIRTHDAY.

Also:

H. J. R. 404. MOURNING THE DEATH OF MRS. CLAUDETTE CLEEK BOX.

Also:

H. J. R. 405. DESIGNATING THE WEEK OF OCTOBER 3-7, 1983, AS "CALHOUN COUNTY INDUSTRY WEEK".

Also:

H. J. R. 406. MOURNING THE DEATH OF MR. WILLIAM GUNTER O'REAR OF MONTGOMERY ALABAMA.

Also:

H. J. R. 407. COMMENDING MRS. LADDI JONES FOR OUTSTANDING LEADERSHIP.

Also:

H. J. R. 408. COMMENDING MR. JAMES FRANKLIN OZMENT FOR OUTSTANDING LEADERSHIP.

Also:

H. J. R. 416. NAMING THE NEW DISTRICT 8 HEADQUARTERS BUILDING OF THE ALABAMA FORESTRY COMMISSION IN BALDWIN COUNTY, ALABAMA, THE "EMANUEL DAVIDSON BUILDING."

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 638. Relating to Mobile and Baldwin Counties; to further define the boundary between said counties and the southern boundaries of each of said counties.

Also:

H. 639. Relating to Limestone County; to provide for the total rehabilitation of certain persons, both male and female, convicted of any type crime and sentenced to a term of confinement in the Limestone County Jail, and providing for a rehabilitation board to supervise and administer the rehabilitation processes of this act; to provide further for the carrying out of the provisions of this act and to repeal all laws or parts of laws which conflict with this act.

Also:

H. 790. Relating to Mobile County; providing for an annual distribution to Mobile United, Inc. from funds received by the county for the City of Mobile from the additional state sales tax levied on alcoholic beverages by section 28-3-280, Code of Alabama 1975.

Also:

H. 640. Relating to Limestone County; amending Act No. 79-501, S. 620, 1979 Regular Session, as amended, which provides for the distribution of T.V.A. payments, so as to provide further for said payments.

Also:

H. 527. Relating to Colbert County; to provide for the creation of a Public Corporation which shall be vested with the powers provided for in the act, for the purpose of attracting conventions and visitors to the County; to define the powers of such corporation; and to provide for the repeal of laws, whether general, special, or local, in conflict with the provisions of the act.

Also:

H. 609. Relating to Baldwin County; authorizing the county commission to levy an additional sales tax paralleling the state sales tax provided for in Sections 40-23-1, 40-23-2, 40-23-3 and 40-23-4, Code of Alabama 1975, providing for the collection, distribution and use of the proceeds of such tax; providing for the enforcement of this act by the state department of revenue; and prescribing penalties and fixing punishment for violation of this act.

Also:

H. 528. Relating to Colbert County: to levy a privilege or license tax on persons, corporations, partnerships, firms, associations, and other entities engaged in the business of renting or furnishing rooms, lodgings, or accommodations, in any hotel, motel, inn, tourist court, or any other place in which rooms, lodgings or accommodations are rented or furnished for a consideration; to provide the amount or rate of the aforesaid taxes; to provide for certain exemptions from the taxes so levied; to provide for the method of collection and enforcing the said taxes; to provide that the Director of

Revenue of the County shall collect the taxes levied by this act; and administer and enforce this act; to provide that the said Director of Revenue shall pay all of the proceeds of the taxes, to the Convention and Visitors Authority of Colbert County created by that certain act adopted by the 1983 Alabama State Legislature, which provides for a Convention and Visitors Bureau in Colbert County to set forth.

McDOWELL LEE,
Secretary.

PERMISSION GRANTED

Permission was granted for the Journal to show that Rep. Davis would like to be recorded as voting "Yea" on the motion by Rep. Kennedy to suspend Rule 4(4) in order to transmit the bill, H. 515, to the Senate.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 404. MOURNING THE DEATH OF MRS. CLAUDETTE CLEEK BOX.

Also:

H. J.R. 405. DESIGNATING THE WEEK OF OCTOBER 3-7, 1983, AS "CALHOUN COUNTY INDUSTRY WEEK."

Also:

H. J. R. 406. MOURNING THE DEATH OF MR. WILLIAM GUNTER O'REAR OF MONTGOMERY, ALABAMA.

Also:

H. J. R. 408. COMMENDING MR. JAMES FRANKLIN OZMENT FOR OUTSTANDING LEADERSHIP.

Also:

H. J. R. 415. CONGRATULATING MR. JOSEPH WALTON GREEN, JR., OF SELMA, ALABAMA, ON THE OCCASION OF HIS 100th BIRTHDAY.

Also:

H. J. R. 416. NAMING THE NEW DISTRICT 8 HEADQUARTERS BUILDING OF THE ALABAMA FORESTRY COMMISSION IN BALDWIN COUNTY, ALABAMA, THE "EMANUEL DAVIDSON BUILDING."

Also:

H. J. R. 407. COMMENDING MRS. LADDI JONES FOR OUTSTANDING LEADERSHIP.

And finds same correctly enrolled.

JOHN S. CASEY,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

S. 58 RESUMED

MOTION TO POSTPONE TABLED

On motion of Rep. Johnson (Roy), the motion offered by Rep. Penry to temporarily postpone further consideration of the bill, S. 58 as amended, was tabled.

Yeas 47; Nays 32.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Biddle, Blake, Boles, Box, Brakefield, Browder, Buskey, Campbell, Carothers, Casey, Clark, Coburn, Coleman, Crow, Drinkard, Dutton, Escott, Ford, Goodwin, Holley, Johnson (Roy), Junkins, Kennedy, Lauderdale, Manley, Martin, Mathis, Melton, Minus, Nevett, Newman, Parker, Poole, Rice, Smith, Starkey, Stout, Thomas, Trammell, Turner, Warren, White (F) and Zoghby.

—47

Nays:

Reps.: Blakeney, Brooks, Carter, Clikas, Faulk, Flowers, Gaston, Grimsley, Harper, Johnson (A.L.), Johnson (R.G.), Kvalheim, Laird, Layton, Lewis, McMillan, Mitchell, Murphy, Payne, Penry, Rains, Richardson, Sasser, Scott, Seibels, Starr, Thornton, Turnham, Waggoner, White (L), Wilson and Wright.

—32

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 641. Relating to Limestone County; amending Act No. 81-510, S. 572, 1981 Regular Session, so as to provide further for the distribution of a special recording fee on documents filed in the probate office.

Also:

H. 688. Relating to Pike County; prescribing and further providing for the meeting dates of the Pike County Commission.

Also:

H. 689. Relating to Lawrence County; amending Act No. 81-592, H. 1028, 1981 Regular Session, which provides for the distribution of in-lieu-of-taxes payments made by the Tennessee Valley Authority, so as to further provide for the distribution.

Also:

H. 733. Relating to Bullock County; to amend Section 2, Act No. 241,

1976 Regular Session of the Alabama Legislature pertaining to levying and collecting assessments on forestlands in Bullock County.

Also:

H. 748. Relating to Coffee County; providing an expense allowance for members of the county board of education; prescribing the manner of payment; and repealing conflicting laws.

Also:

H. 755. To provide that the judge of probate of Pike County shall be compensated on a salary basis and to prescribe the amount of such salary; to provide for employees who shall serve at the pleasure of said judge and to provide for reimbursement of all expenses incurred in the official operation of the office.

Also:

H. 772. Relating to Henry County only; fixing the fee for issuance of a pistol permit by the sheriff; providing for the distribution and use of such fees; and repealing all laws in conflict herewith.

Also:

H. 773. Relating to Henry County; providing for the establishment of a consolidated and unified system for assessment and collection of taxes, under the supervision of an elected county official designated as county revenue commissioner; providing for the compensation of such official; and repealing conflicting laws.

Also:

H. 820. Relating to Tuscaloosa County, to amend Sections 1 and 2 of Act No. 601, H. 1087, 1976 Regular Session (Acts 1976, p. 817), which act deals with the issuance of pistol permits in certain counties classified on a population basis, so as to provide further for fees and renewals.

Also:

H. 821. To authorize a procedure whereby the sheriff of Tuscaloosa County, Alabama, is authorized to offer for public auction to the highest bidder for cash abandoned and stolen personal property which has been recovered by the sheriff's department of Tuscaloosa County and stored by said department but which has been unclaimed after six (6) months; to provide that such auctions are to be made after notice of the time and place thereof shall have been given publication once a week for two weeks in a newspaper of general circulation published in Tuscaloosa County, Alabama, or by posting in a conspicuous place at the Tuscaloosa County courthouse; to provide that the first publication or posting of said notice shall be twenty days before the said auction; to provide a procedure for the conduct of said auction; to provide that the owner of any of the abandoned or stolen property recovered and stored by the sheriff of Tuscaloosa County, Alabama, may redeem the same at anytime prior to its sale by paying any reasonable storage or maintenance costs incurred and a pro rata cost of publication and further providing that after deducting and paying all expenses incurred in storing or auctioning the said property, all proceeds from the sale of said property shall be paid into the general fund of Tuscaloosa County, Alabama.

Also:

H. 13. Relating to Pike County; authorizing the county commission to employ a deputy tax assessor, a deputy tax collector, a deputy circuit clerk, clerical assistance for certain county officers; repealing Act No. 201, H. 872, Regular Session 1971 (Acts 1971, p. 494), and Act No. 732, H. 1281, Regular Session 1976 (Acts 1976, p. 1013); and providing for its retroactive effect.

Also:

H. 29. Relating to Washington County; to provide for the election of members of the county commission by districts.

Also:

H. 30. To provide an additional expense allowance for the coroner of Washington County.

Also:

H. 31. Relating to Washington County; amending Act No. 503, H. 1005 of the 1978 Regular Session, so as to provide further for the compensation of poll workers.

Also:

H. 39. Relating to Washington County; amending Act No. 579, H. 1656 of the 1975 Regular Session, to provide further for an expense allowance for members of the county board of education.

Also:

H. 119. Relating to Pickens County; providing for an increase in court costs and providing for the disposition of the proceeds from such increase and providing for the conditions upon which the provisions of this act shall become effective.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 120. Relating to Pickens County; providing further for recording deeds in the office of the Judge of Probate; providing that any real estate deed, presented for filing and recording in said office shall contain certain information on the face of the instrument relating to the ad valorem tax notice on such real estate.

Also:

H. 131. Relating to Baldwin County; to provide for a special recording fee on documents filed in the office of Judge of Probate; to provide that such special recording fee be used for the purpose of acquiring and maintaining electronic data processing equipment for the office of the Judge of Probate and to provide for retroactive effect.

Also:

H. 132. To authorize the Baldwin County Commission to provide for the protection of forests from fire, insects, disease, beavers, and other pests within the county and to assess the whole or a part of the cost thereof, within a prescribed limit, against forest lands in the county; and to pre-

scribe the procedure for levying and collecting such assessments.

Also:

H. 135. Relating to Baldwin County; authorizing the Baldwin County Board of Health to annually fix a schedule of fees for services rendered pursuant to the duties with which the board is charged; to provide for the annual examination and approval of such fee schedules by the county commission; to authorize the exemption of certain persons from paying said fees; to authorize the county board of health to promulgate rules and regulations proper for the administration of this act.

Also:

H. 187. Relating to Mobile County; establishing and providing for the Mobile County Youth Athletic Board; providing for the appointment and term of office of the members of the board; providing for the distribution of funds received by the board from Act No. 82-427, 1982 Regular Session; and providing for the forfeiture of certain funds upon falsification of registration forms.

Also:

H. 335. Relating to selling and redeeming lands for taxes in Henry County, Alabama.

Also:

H. 346. Relating to Henry County, Alabama; providing for the appointment and compensation of a clerk for the Tax Collector and a clerk for the Tax Assessor of Henry County.

Also:

H. 451. To provide for the protection of forests within Choctaw County and to assess the whole or a part of the cost thereof, within a prescribed limit against forest lands in the county; and to prescribe the procedure for levying and collecting such assessments.

Also:

H. 504. To provide for a special recording fee of $1.00, in addition to all existing recording fees and charges, for each such document hereafter filed for record in Lawrence County and to provide for the use of such fees.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 519. To provide for branch banking in Pickens County.

Also:

H. 520. Relating to Pickens County; to amend Section 1 of Act No. 529, H. 574, 1971 Regular Session (Acts 1971, p. 1256), relating to the issuance of pistol permits in certain counties classified on a population basis, so as to increase the issuance fee for pistol permits and to provide further for

the disposition of such fees.

McDOWELL LEE,
Secretary.

S. 58 RESUMED

SUBSTITUTE OFFERED

Rep. Payne offered the following substitute to the bill, S. 58 as amended, the title of said substitute being as follows:

To propose a new constitution for the State of Alabama to replace the Constitution of 1901, as amended.

SUBSTITUTE TABLED

On motion of Rep. Johnson (Roy), the substitute offered by Rep. Payne to the bill, S. 58 as amended, was tabled.

Yeas 63; Nays 21.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Biddle, Blake, Boles, Bowling, Box, Brakefield, Browder, Bryant, Buskey, Campbell, Carter, Casey, Clark, Coburn, Coleman, Cosby, Crow, Davis, Escott, Faulk, Ford, Goodwin, Grimsley, Grouby, Hall, Holley, Horn, Johnson (A.L.), Johnson (Roy), Junkins, Kennedy, Laird, Langford, Lauderdale, Manley, Martin, Mathis, Minus, Mitchell, Moore, Newman, Nicholson, Parker, Poole, Preuitt, Rice, Richardson, Rogers, Sasser, Smith, Starkey, Thomas, Trammell, Turner, Waggoner, Warren, White (F), and Zoghby.

—63

Nays:

Reps.: Brooks, Dutton, Flowers, Freeman, Gaston, Harper, Howard, Johnson (R.G.), Kvalheim, Layton, Lewis, McMillan, Murphy, Nevett, Payne, Penry, Rains, Scott, Seibels, White (L) and Wright.

—21

S. 472 RE-REFERRED

No objection being offered, the Speaker re-referred the bill, S. 472, from the Standing Committee on Ways and Means to the Standing Committee on Health.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 527. Relating to Colbert County; to provide for the creation of a Public Corporation which shall be vested with the powers provided for in the act, for the purpose of attracting conventions and visitors to the County; to define the powers of such corporation; and to provide for the repeal of laws, whether general, special, or local, in conflict with the provisions of the act.

Also:

H. 528. Relating to Colbert County; to levy a privilege or license tax on persons, corporations, partnerships, firms, associations, and other entities engaged in the business of renting or furnishing rooms, lodgings, or accommodations, in any hotel, motel, inn, tourist court, or any other place in which rooms, lodgings or accommodations are rented or furnished for a consideration; to provide the amount or rate of the aforesaid taxes; to provide for certain exemptions from the taxes so levied; to provide for the method of collection and enforcing the said taxes; to provide that the Director of Revenue of the County shall collect the taxes levied by this act; and administer and enforce this act; to provide that the said Director of Revenue shall pay all of the proceeds of the taxes, to the Convention and Visitors Authority of Colbert County created by that certain act adopted by the 1983 Alabama State Legislature, which provides for a Convention and Visitors Bureau in Colbert County to set forth.

Also:

H. 609. Relating to Baldwin County; authorizing the county commission to levy an additional sales tax paralleling the state sales tax provided for in Sections 40-23-1, 40-23-2, 40-23-3 and 40-23-4, Code of Alabama 1975, providing for the collection, distribution and use of the proceeds of such tax; providing for the enforcement of this act by the state department of revenue; and prescribing penalties and fixing punishment for violation of this act.

Also:

H. 638. Relating to Mobile and Baldwin Counties; to further define the boundary between said counties and the southern boundaries of each of said counties.

Also:

H. 639. Relating to Limestone County; to provide for the total rehabilitation of certain persons, both male and female, convicted of any type crime and sentenced to a term of confinement in the Limestone County Jail, and providing for a rehabilitation board to supervise and administer the rehabilitation processes of this act; to provide further for the carrying out of the provisions of this act and to repeal all laws or parts of laws which conflict with this act.

Also:

H. 640. Relating to Limestone County; amending Act No. 79-501, S. 620, 1979 Regular Session as amended, which provides for the distribution T.V.A. payments, so as to provide further for said payments.

Also:

H. 790. Relating to Mobile County; providing for an annual distribution to Mobile United, Inc. from funds received by the county for the City of Mobile from the additional state sales tax levied on alcoholic beverages by Sections 28-3-280 and 28-3-281, Code of Alabama 1975.

And finds same correctly enrolled.

JOHN S. CASEY,
Chairman.

SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately

after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

S. 58 RESUMED

AMENDMENT OFFERED

Rep. Brooks offered the following amendment to the bill, S. 58 as amended:

Amend S.B. 58 on page 14, Section 8.03, line(s) 34 by (adding) after the word(s) "of candidates." the following: Provided, however, that the following officers in this state shall be elected, without primaries, on a nonpartisan ballot: the judges of the courts of appeal, circuit courts, district courts and probate courts, clerk of the circuit courts, and deputy circuit clerks in the counties for which they are provided.

AMENDMENT TABLED

On motion of Rep. Johnson (Roy), the amendment offered by Rep. Brooks to the bill, S. 58 as amended, was tabled.

Yeas 81; Nays 7.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Browder, Bryant, Buskey, Campbell, Carter, Casey, Clark, Coburn, Coleman, Cosby, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Goodwin, Grimsley, Grouby, Hammett, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A.L.), Johnson, (R.G.), Johnson (Roy), Junkins, Kennedy, Laird, Langford, Lauderdale, Lewis, Martin, Mathis, Melton, Minus, Mitchell, Moore, Nevett, Newman, Nicholson, Parker, Payne, Penry, Poole, Preuitt, Rice, Richardson, Rogers, Sasser, Smith, Starkey, Stout, Trammell, Turner, Venable, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

—81

Nays:

Reps.: Brooks, Clikas, Murphy, Rains, Scott, Seibels and Starr.

—7

AMENDMENT OFFERED

Rep. Wilson offered the following amendment to the bill, S. 58 as amended:

Amend S.B. 58, as last substituted and amended on Page 10, Section 5.12 (b), line 20, by striking after the words "shall be at least" the language: ~~thirty~~ and inserting in lieu thereof, the following: twenty-seven

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 84; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Gaston, Goodwin, Grimsley, Grouby, Hammett, Harper, Harvey, Hettinger, Holley, Horn, Johnson (A.L.), Johnson, (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, McKee, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Parker, Penry, Poole, Preuitt, Rains, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Trammell, Turner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

—84

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 21. To amend Sections 40-23-4 and 40-23-62, Code of Alabama 1975, which provide for certain exemptions from sales and use taxes, so as to include diesel fuel used for off-highway agricultural purposes.

Also:

H. 798. To provide for the criminal offense of theft of trade secrets and to prescribe penalty for conviction of such offense.

McDOWELL LEE,
Secretary.

S. 58 RESUMED

AMENDMENT OFFERED

Rep. Payne offered the following amendment to the bill, S. 58 as amended:

Amend the Substitute for S.B. 58, as last substituted and amended, Section 1, at the end of said section, page 15, between lines 33 and 34, by inserting the following:

AMENDMENT NO. 57

All sessions of the legislature shall be held at the capitol in the senate chamber in the hall of the house of representatives, unless at any time it should from any cause become impossible or dangerous for the legislature to meet or remain at the capitol, or for the senate to meet or remain in the senate chamber, or for the representatives to meet or remain in the hall of the house of representatives, in which case the governor may convene the legislature, or remove it after it has convened, to some other place, or may designate some other place for the sitting of the respective houses, or either of them, as necessity may require. The legislature shall convene on the second Tuesday in January next succeeding their election and shall remain in session for not longer than ten consecutive calendar days. No business can be transacted at such sessions except the organization of the legislature, the election of officers, the appointment of standing committees of the senate and the house of representatives for the ensuing four years, which election and appointment may, however, also be made at such other times as may be

necessary, the opening and publication of the returns and the ascertainment and declaration of the results of the election for governor, lieutenant-governor, attorney-general, state auditor, secretary of state, state treasurer, superintendent of education, and commissioner of agriculture and industries, the election of such officers in the event of a tie vote, the determination of contested elections for such offices, the judging of the election returns and qualification of the members of the legislature, and the inauguration of the governor and the other elected state officers whose terms of office are concurrent with that of the governor. At the beginning of each such organization session, and at such other times as may be necessary, the senate shall elect one of its members president pro tempore thereof, to preside over its deliberations in the absence of the lieutenant-governor, and the house of representatives shall elect one of its members by secret ballot as speaker, to preside over its deliberations. The president of the senate and the speaker of the house of representatives shall each hold his respective office until his successor has been elected and qualified. The legislature shall convene in regular sessions on the first Tuesday in May of 1983 and on the first Tuesday in May in each year thereafter, until the date of meeting shall have been changed by act of the legislature and approved by the governor. The legislature shall not remain in session longer than thirty legislative days and one hundred five calendar days at any such regular session. Special sessions of the legislature convened in the manner provided by this Constitution also shall be limited to twelve legislative days and thirty calendar days. The pay of members of the legislature shall be ten dollars per day. Each member of the legislature shall be paid ten cents per mile in going from his residence to, and in returning to his residence from, the seat of government, to be computed by the nearest usual route traveled; and not more than one such travel allowance shall be paid for each session of the legislature. In addition to his travel allowance, each member of the legislature also shall be allowed expenses, other than actual expenses of traveling, not exceeding an amount to be fixed by the legislature, incurred in the performance of his duties; but such expense allowance shall not be less than the smallest allowance to any other person traveling within the state in the service of the state of Alabama, or any of its agencies, for expenses other than actual expenses of traveling. The provisions of this Constitution in conflict herewith are hereby modified to conform to the provisions of this amendment.

AMENDMENT TABLED

On motion of Rep. Johnson (Roy), the amendment offered by Rep. Payne to the bill, S. 58 as amended, was tabled.

Yeas 65; Nays 12.

Yeas:

Reps.: Albright, Ashley, Blake, Bowling, Box, Brooks, Browder, Bryant, Buskey, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Flowers, Ford, Freeman, Goodwin, Grimsley, Grouby, Hall, Hettinger, Holley, Horn, Johnson (A.L.), Johnson, (R.G.), Johnson (Roy), Junkins, Kennedy, Laird, Langford, Lauderdale, Layton, Martin, Mathis, Melton, Minus, Mitchell, Moore, Nevett, Newman, Nicholson, Parker, Poole, Preuitt, Rice, Rogers, Sasser, Seibels, Smith, Starkey, Starr, Thornton, Trammell, Turner, Warren, White (L), Wilson and Zoghby.

—65

Nays:

Reps.: Bennett, Gaston, Harper, Howard, Kvalheim, Lewis, McKee, McMil-

lan, Murphy, Payne, Scott and Wright.

—12

AMENDMENT OFFERED

Rep. Payne offered the following amendment #2 to the bill, S. 58 as amended:

Amend the Substitute for S.B. 58, as last substituted and amended, Section 1, at the end of said section, page 15, between lines 33 and 34, by inserting the following:

AMENDMENT NO. 57

All sessions of the legislature shall be held at the capitol in the senate chamber and in the hall of the house of representatives, unless at any time it should from any cause become impossible or dangerous for the legislature to meet or remain at the capitol, or for the senate to meet or remain in the senate chamber, or for the representatives to meet or remain in the hall of the house of representatives, in which case the governor may convene the legislature, or remove it after it has convened, to some other place, or may designate some other place for the sitting of the respective houses, or either of them, as necessity may require. The legislature shall convene on the second Tuesday in January next succeeding their election and shall remain in session for not longer than ten consecutive calendar days. No business can be transacted at such sessions except the organization of the legislature, the election of officers, the appointment of standing committees of the senate and the house of representatives for the ensuing four years, which election and appointment may, however, also be made at such other times as may be necessary, the opening and publication of the returns and the ascertainment and declaration of the results of the election for governor, lieutenant-governor, attorney-general, state auditor, secretary of state, state treasurer, superintendent of education, and commissioner of agriculture and industries, the election of such officers in the event of a tie vote, the determination of contested elections for such offices, the judging of the election returns and qualification of the members of the legislature, and the inauguration of the governor and the other elected state officers whose terms of office are concurrent with that of the governor. Effective January 1, 1986, at the beginning of each such organization session, and at such other times as may be necessary, the senate shall elect one of its members president pro tempore thereof, to preside over its deliberations in the absence of the lieutenant-governor, and the house of representatives shall elect one of its members by secret ballot as speaker, to preside over its deliberations. The president of the senate and the speaker of the house of representatives shall each hold his respective office until his successor has been elected and qualified. The legislature shall convene in regular sessions on the first Tuesday in May of 1983 and on the first Tuesday in May in each year thereafter, until the date of meeting shall have been changed by act of the legislature and approved by the governor. The legislature shall not remain in session longer than thirty legislative days and one hundred five calendar days at any such regular session. Special sessions of the legislature convened in the manner provided by this Constitution also shall be limited to twelve legislative days and thirty calendar days. The pay of members of the legislature shall be ten dollars per day. Each member of the legislature shall be paid ten cents per mile in going from his residence to, and in returning to his residence from, the seat of government, to be computed by the nearest usual route traveled; and not more than one such travel allowance shall be paid for each session of the legislature. In addition to his travel allowance, each member of the

legislature also shall be allowed expenses, other than actual expenses of traveling, not exceeding an amount to be fixed by the legislature, incurred in the performance of his duties; but such expense allowance shall not be less than the smallest allowance to any other person traveling within the state in the service of the state of Alabama, or any of its agencies, for expenses other than actual expenses of traveling. The provisions of this Constitution in conflict herewith are hereby modified to conform to the provisions of this amendment.

AMENDMENT TABLED

On motion of Rep. Johnson (Roy), the amendment #2 offered by Rep. Payne to the bill, S. 58 as amended, was tabled.

Yeas 45; Nays 18.

Yeas:

Reps.: Ashley, Blake, Box, Browder, Bryant, Buskey, Carter, Casey, Clark, Coburn, Coleman, Crow, Davis, Drinkard, Dutton, Faulk, Flowers, Ford, Freeman, Goodwin, Harvey, Hettinger, Holley, Horn, Johnson, (Roy), Junkins, Kennedy, Langford, Lauderdale, Layton, Mathis, Mitchell, Nevett, Newman, Parker, Poole, Preuitt, Rogers, Smith, Starkey, Starr, Thornton, Trammell, Turner and Warren.

—45

Nays:

Reps. Brooks, Cosby, Johnson (A.L.), Lewis, McKee, McMillan, Minus, Murphy, Payne, Penry, Rice, Scott, Seibels, Tucker, Turnham, White (F), White (L) and Wright.

—18

REPORT OF THE STANDING COMMITTEE ON RULES
ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 688. Relating to Pike County; prescribing and further providing for the meeting dates of the Pike County Commission.

Also:

H. 689. Relating to Lawrence County; amending Act No. 81-592, H. 1028, 1981 Regular Session, which provides for the distribution of in-lieu-of-taxes payments made by the Tennessee Valley Authority, so as to further provide for the distribution.

Also:

H. 733. Relating to Bullock County; to amend Section 2, Act No. 241, 1976 Regular Session of the Alabama Legislature pertaining to levying and collecting assessments on forestlands in Bullock County.

Also:

H. 748. Relating to Coffee County; providing an expense allowance for members of the county board of education; prescribing the manner of payment; and repealing conflicting laws.

Also:

H. 755. To provide that the judge of probate of Pike County shall be compensated on a salary basis and to prescribe the amount of such salary; to provide for employees who shall serve at the pleasure of said judge and to provide for reimbursement of all expenses incurred in the official operation of the office.

Also:

H. 772. Relating to Henry County only; fixing the fee for issuance of a pistol permit by the sheriff; providing for the distribution and use of such fees; and repealing all laws in conflict herewith.

Also:

H. 773. Relating to Henry County; providing for the establishment of a consolidated and unified system for assessment and collection of taxes, under the supervision of an elected county official designated as county revenue commissioner; providing for the compensation of such official; and repealing conflicting laws.

Also:

H. 820. Relating to Tuscaloosa County, to amend Sections 1 and 2 of Act No. 601, H. 1087, 1976 Regular Session (Acts 1976, p. 817), which act deals with the issuance of pistol permits in certain counties classified on a population basis, so as to provide further for fees and renewals.

Also:

H. 821. To authorize a procedure whereby the sheriff of Tuscaloosa County, Alabama, is authorized to offer for public auction to the highest bidder for cash abandoned and stolen personal property which has been recovered by the sheriff's department of Tuscaloosa County and stored by said department but which has been unclaimed after six (6) months; to provide that such auctions are to be made after notice of the time and place thereof shall have been given publication once a week for two weeks in a newspaper of general circulation published in Tuscaloosa County, Alabama, or by posting in a conspicuous place at the Tuscaloosa County courthouse; to provide that the first publication or posting of said notice shall be twenty days before the said auction; to provide a procedure for the conduct of said auction; to provide that the owner of any of the abandoned or stolen property recovered and stored by the sheriff of Tuscaloosa County, Alabama, may redeem the same at anytime prior to its sale by paying any reasonable storage or maintenance costs incurred and a pro rata cost of publication and further providing that after deducting and paying all expenses incurred in storing or auctioning the said property, all proceeds from the sale of said property shall be paid into the general fund of Tuscaloosa County, Alabama.

Also:

H. 187. Relating to Mobile County; establishing and providing for the Mobile County Youth Athletic Board; providing for the appointment and term of office of the members of the board; providing for the distribution of funds received by the board from Act No. 82-427, 1982 Regular Session; and providing for the forfeiture of certain funds upon falsification of registration forms.

And finds same correctly enrolled.

JOHN S. CASEY,
Chairman.

SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 13. Relating to Pike County; authorizing the county commission to employ a deputy tax assessor, a deputy tax collector, a deputy circuit clerk, clerical assistance for certain county officers; repealing Act No. 201, H. 872, Regular Session 1971 (Acts 1971, p. 494), and Act No. 732, H. 1281, Regular Session 1976 (Acts 1976, p. 1013); and providing for its retroactive effect.

Also:

H. 29. Relating to Washington County; to provide for the election of members of the county commission by districts.

Also:

H. 30. To provide an additional expense allowance for the coroner of Washington County.

Also:

H. 31. Relating to Washington County; amending Act No. 503, H. 1005 of the 1978 Regular Session, so as to provide further for the compensation of poll workers.

Also:

H. 39. Relating to Washington County; amending Act No. 579, H. 1656 of the 1975 Regular Session, to provide further for an expense allowance for members of the county board of education.

Also:

H. 119. Relating to Pickens County; providing for an increase in court costs and providing for the disposition of the proceeds from such increase and providing for the conditions upon which the provisions of this act shall become effective.

Also:

H. 120. Relating to Pickens County; providing further for recording deeds in the office of the Judge of Probate; providing that any real estate deed, presented for filing and recording in said office shall contain certain information on the face of the instrument relating to the ad valorem tax notice on such real estate.

Also:

H. 131. Relating to Baldwin County; to provide for a special recording fee on documents filed in the office of the Judge of Probate; to provide that such special recording fee be used for the purpose of acquiring and maintaining electronic data processing equipment for the office of the Judge of Probate and to provide for the retroactive effect.

Also:

H. 132. To authorize the Baldwin County Commission to provide for the protection of forests from fire, insects, disease, beavers, and other pests within the county and to assess the whole or a part of the cost thereof, within a prescribed limit, against forest lands in the county; and to prescribe the procedure for levying and collecting such assessments.

Also:

H. 135. Relating to Baldwin County; authorizing the Baldwin County Board of Health to annually fix a schedule of fees for services rendered pursuant to the duties with which the board is charged; to provide for the annual examination and approval of such fee schedules by the county commission; to authorize the exemption of certain persons from paying said fees; to authorize the county board of health to promulgate rules and regulations proper for the administration of this act.

Also:

H. 335. Relating to selling and redeeming lands for taxes in Henry County, Alabama.

Also:

H. 346. Relating to Henry County, Alabama; providing for the appointment and compensation of a clerk for the Tax Collector and a clerk for the Tax Assessor of Henry County.

Also:

H. 451. To provide for the protection of forests within Choctaw County and to assess the whole or a part of the cost thereof, within a prescribed limit against forest lands in the county; and to prescribe the procedure for levying and collecting such assessments.

Also:

H. 504. To provide for a special recording fee of $1.00, in addition to all existing recording fees and charges, for each such document hereafter filed for record in Lawrence County and to provide for the use of such fees.

Also:

H. 519. To provide for branch banking in Pickens County.

Also:

H. 520. Relating to Pickens County; to amend Section 1 of Act No. 529, H. 574, 1971 Regular Session (Acts 1971, p. 1256), relating to the issuance of pistol permits in certain counties classified on a population basis, so as to increase the issuance fee for pistol permits and to provide further for the disposition of such fees.

Also:

H. 641. Relating to Limestone County; amending Act No. 81-510, S. 572, 1981 Regular Session, so as to provide further for the distribution of a

special recording fee on documents filed in the probate office.

And finds same correctly enrolled.

JOHN S. CASEY,
Chairman.

SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES
ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 21. To amend Sections 40-23-4 and 40-23-62, Code of Alabama 1975, which provide for certain exemptions from sales and use taxes, so as to include diesel fuel used for off-highway agricultural purposes.

Also:

H. 798. To provide for the criminal offense of theft of trade secrets and to prescribe penalty for conviction of such offense.

And finds same correctly enrolled.

JOHN S. CASEY,
Chairman.

SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

PERMISSION GRANTED

Permission was granted for the Journal to show that Reps. Gaston and Kvalheim inadvertently voted "Nay" on the motion to table the amendment #1 offered by Rep. Payne to the bill, S. 58.

AMENDMENT OFFERED

Rep. Mitchell offered the following amendment to the bill, S. 58 as amended:

Amend Substitute for S.B. 58 by amending Section 48 of the 1901 Constitution by adding the following language: Beginning in 1985, the legislature shall convene in regular sessions on the first Tuesday in February and on the first Tuesday in February in each second year thereafter, or on such other day within such odd numbered years as may be prescribed by law. Regular sessions of the legislature shall be limited to 30 legislative days and 105 calendar days. Special sessions of the legislature convened in the manner provided by this Constitution shall be limited to 12 legislative days and

30 calendar days. The legislature shall convene in regular session in 1984 as provided in the 1901 Constitution with amendments.

AMENDMENT TABLED

On motion of Rep. Johnson (Roy), the amendment offered by Rep. Mitchell to the bill, S. 58 as amended, was tabled.

Yeas 78; Nays 19.

Yeas:

Reps.: Adams, Albright, Ashley, Bennett, Biddle, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Bryant, Buskey, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Goodwin, Hall, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A.L.), Johnson, (R.G.), Johnson (Roy), Junkins, Kennedy, Laird, Langford, Lauderdale, Layton, McMillan, Martin, Melton, Mitchell, Moore, Murphy, Nevett, Newman, Parker, Penry, Poole, Rains, Rice, Rogers, Sasser, Scott, Seibels, Starkey, Stout, Thornton, Trammell, Tucker, Turner, Turnham, Waggoner, White (F), White (L), Williams, Wilson and Wright.

—78

Nays:

Mr. Speaker, Blake, Cosby, Gaston, Grimsley, Grouby, Kvalheim, Lewis, McKee, Manley, Mathis, Minus, Nicholson, Payne, Preuitt, Smith, Venable, Warren and Zoghby.

—19

AMENDMENT OFFERED

Rep. Melton offered the following amendment to the bill, S. 58 as amended:

On page 15 after line 18 add a new Article IX as follows:

Section 9.0. It is the public policy of the state of Alabama that public education is an essential function of state and local government and, in furtherance of that policy, it is the legislature's duty to require the state, the counties and cities with city school systems to provide for the maintenance and support of public schools. It is also the legislature's duty to provide for the maintenance and support of such other public educational institutions, including public institutions of higher learning, as it may deem desirable.

AMENDMENT TABLED

On motion of Rep. Holley, the amendment offered by Rep. Melton to the bill, S. 58 as amended, was tabled.

Yeas 61; Nays 25.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Biddle, Blake, Blakeney, Bowling, Box, Brakefield, Carothers, Carter, Casey, Clikas, Coburn, Cosby, Crow, Drinkard, Dutton, Faulk, Flowers, Gaston, Grimsley, Grouby, Harper, Harvey, Hettinger, Holley, Johnson, (R.G.), Junkins, Kvalheim, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Mathis, Minus, Mitchell, Moore, Newman, Payne, Penry, Preuitt, Rains, Rice, Richardson, Sasser, Seibels, Starkey, Starr, Trammell, Turner, Venable, White (F), White (L), Williams,

Wilson, Wright and Zoghby.

—61

Nays:

Reps.: Bennett, Brooks, Buskey, Coleman, Davis, Escott, Goodwin, Horn, Howard, Johnson (A.L.), Johnson (Roy), Kennedy, Langford, Melton, Nevett, Nicholson, Parker, Poole, Rogers, Smith, Stout, Thornton, Tucker, Turnham and Warren.

—25

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bills, your signature thereto is requested:

S. 131. To amend Sections 32-15-4 through 32-15-7 of the Code of Alabama 1975, relating to renting, hiring and using motor vehicles, so as to provide further for such offenses and penalties.

Also:

S. 322. To provide for the confidentiality of circulation and registration records maintained by public school libraries, public libraries and college and university libraries; and to amend Section 36-12-40, Code of Alabama 1975, so as to provide for said exemption and to provide certain exceptions.

Also:

S. 376. To amend Section 2-31-4 which sets up bond requirements for grain dealers; to require that a grain dealer's bond shall be based upon 10% of the aggregate dollar amount paid by dealers to producers during the 12-month period ending within 30 days from the time the dealer applies to be licensed; to require that persons that have been a grain dealer for less than one year must file the minimum bond allowed; to require that the bond is applicable for each separate location; to require that the bond required shall be no less than $25,000 nor more than $100,000 for each separate location.

Also:

S. 434. Relating to the Alabama Space Science Exhibit Commission, to amend section 41-9-430, section 41-9-432 and section 41-9-435 of the Code of Alabama 1975 in order to empower the Alabama Space Science Exhibit Commission to construct and acquire or lease lodging facilities including parking facilities and facilities for meetings therein, for use by visitors to the commission's permanent exhibit, and to provide for the issuance by the commission of revenue bonds to finance such facilities, and describe and provide for the security therefor.

Also:

S. 474. Relating to Jefferson County; to regulate further the taking of fish from public streams and impounded waters in such county except in municipal parks; authorizing the taking of non-game fish by the use of wire mesh baskets, on which a privilege license tax has been paid; prohibiting the sale of fish so taken; prescribing penalties for violation of this Act.

Also:

S. 489. Relating to the 37th Judicial Circuit of Alabama; to provide that if a defendant in a criminal case enters a written plea of not guilty prior to his arraignment such plea shall constitute waiver of his right to have an arraignment at which he is present in person or represented by an attorney.

Also:

S. 490. To provide for the filing for record and the preservation of all orders and judgments made and entered by any judge of the circuit court of the 37th Judicial Circuit of Alabama.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing Message from the Senate.

S. 58 RESUMED

And the bill, S. 58 as amended, was read a third time at length and passed.

Yeas 81; Nays 12.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Browder, Bryant, Buskey, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Flowers, Gaston, Goodwin, Grimsley, Grouby, Hammett, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A.L.), Johnson, (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Langford, Lauderdale, Layton, Lewis, Manley, Martin, Mathis, Melton, Mitchell, Nevett, Newman, Nicholson, Parker, Poole, Preuitt, Rice, Richardson, Rogers, Seibels, Smith, Starkey, Stout, Thornton, Trammell, Turner, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

—81

Nays:

Reps.: Brooks, Hall, Harper, McKee, Minus, Payne, Penry, Rains, Sasser, Starr, Tucker and Turnham.

—12

MOTION TO SUSPEND RULE ADOPTED

On motion of Rep. Kennedy, Rule 4(4) was suspended in order to transmit the fill, H. 515 to the Senate.

Yeas 68: Nays 11.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Blake, Blakeney, Boles, Brakefield, Brooks, Browder, Bryant, Buskey, Campbell, Casey, Clark,

Coburn, Coleman, Cosby, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Freeman, Goodwin, Grimsley, Hall, Hammett, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A.L.), Johnson, (R.G.), Johnson (Roy), Junkins, Kennedy, Langford, Lauderdale, Martin, Mathis, Melton, Minus, Nevett, Newman, Nicholson, Parker, Penry, Poole, Rains, Rice, Richardson, Rogers, Sasser, Stout, Thornton, Trammell, Tucker, Turner, Turnham, Warren, White (F), White (L), Williams, and Zoghby.

—68

Nays:

Reps.: Carter, Harvey, Lewis, Manley, Mitchell, Payne, Scott, Seibels, Smith, Starr and Wilson.

—11

SPECIAL ORDER RESUMED

And the bill:

H. 870. Relating to Montgomery County; to amend Act No. 429, H. 934 of the 1961 Regular Session (Acts of 1961, p. 466), so as to authorize the Montgomery County Commission to employ administrative assistants, which persons must have obtained the age of 62 years and served 16 years as a member of the governing body of said county.

Was taken up.

AMENDMENT OFFERED

Rep. Holmes offered the following amendment to the bill, H. 870:

Amend H. 870, Section 1, line 20, after the word and figures "Section 1.", by striking the word and figure "Section 1", and inserting in lieu thereof the following:

Sections 1 and 4

Also, in Section 1, between lines 27 and 28, amend by inserting the following:

"Section 4. Compensation for such services shall be wholly paid by the county employing such administrative assistant but compensation shall not be in excess of one thousand dollars ($1,000.00) per annum."

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 25; Nays 0.

Yeas:

Mr. Speaker, Bennett, Blakeney, Box, Bryant, Clark, Davis, Faulk, Goodwin, Holmes, Johnson (Roy), Langford, Lauderdale, Mathis, Melton, Minus, Murphy, Newman, Poole, Scott, Starr, Trammell, Turnham, White (F) and Wilson.

—25

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 870, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 33; Nays 0.

Yeas:

Reps.: Adams, Albright, Ashley, Bennett, Blakeney, Box, Bryant, Campbell, Faulk, Goodwin, Harper, Hettinger, Howard, Johnson (A.L.), Junkins, Kennedy, Langford, McKee, McMillan, Mathis, Minus, Newman, Poole, Rice, Richardson, Smith, Starkey, Starr, Turnham, White (F), Williams, Wilson and Zoghby.

—33

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO SUSPEND RULES LOST

The motion offered by Rep. Buskey to suspend the rules in order to take up out of order the bill, H. 893, was lost.

Yeas 5; Nays 5.

Yeas: Reps.: Buskey, Clark, Howard, Kennedy and Zoghby. —5

Nays: Reps.: Box, Clikas, Gaston, Kvalheim, and Lewis. —5

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MESSAGE FROM THE GOVERNOR

To The Alabama House of Representatives
State Capitol
Montgomery, Alabama 36130

Ladies and Gentlemen:

I transmit herewith a message from Governor George C. Wallace returning House Bill # 163, without the Governor's signature and approval and with the enclosed suggested Executive Amendment.

Done this 14th day of July, 1983.

Respectfully submitted,

ELVIN L. STANTON,
Executive Secretary.

MESSAGE FROM THE GOVERNOR

To The Alabama House of Representatives
State Capitol

Montgomery, Alabama 36130

Ladies and Gentlemen:

I am returning to you, the body in which it originated, House Bill #163, without my signature and approval and with the following suggested Executive Amendment:

In House Bill # 163 as substituted and amended, on page 9, in Section 12, on line 6, on lines 13 and 14, and on line 22, after the words "basic medical" insert the words "and/or optional coverage." The adoption of the foregoing suggested Executive Amendment will remove my objections to this Bill. Done this 14th day of July, 1983.

Respectfully,

GEORGE C. WALLACE,
Governor.

GOVERNOR'S MESSAGE

On motion of Rep. Drinkard, the House non-concurred in the amendment Proposed by His Excellency, the Governor, said executive amendment being set out in the above and foregoing Message from the Governor.

Yeas 74; Nays 22.

Yeas:

Reps.: Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Box, Brakefield, Browder, Bryant, Buskey, Campbell, Carothers, Carter, Clark, Coburn, Coleman, Cosby, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Goodwin, Hall, Hammett, Harvey, Holley, Holmes, Horn, Howard, Johnson (A.L.), Johnson, (R.G.), Johnson (Roy), Junkins, Kennedy, Laird, Langford, Lauderdale, Layton, Manley, Martin, Mathis, Melton, Minus, Mitchell, Murphy, Nevett, Newman, Nicholson, Parker, Poole, Preuitt, Rice, Richardson, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turner, Venable, Warren, White (F), Williams, and Zoghby.

—74

Nays:

Mr. Speaker, Bowling, Brooks, Casey, Freeman, Gaston, Grimsley, Harper, Hettinger, Lewis, McKee, McMillan, Payne, Penry, Rains, Sasser, Scott, Seibels, Turnham, Waggoner, Wilson and Wright.

—22

The House proceeded to reconsider the bill:

H. 163. To provide for the establishment of a uniform plan of health insurance for employees and, under certain conditions, retired employees of state educational institutions which provide instruction at any combination of grades K-14, exclusively, under the auspices of the state board of education; and to provide a method for funding the benefits authorized herein. To further provide that any agency covered by the Teachers' Retirement System may elect, under certain conditions, to have its employees and retired employees covered by the provisions of this act and to establish a procedure for funding the cost of coverage on account of such employees and retired employees. To provide for the creation of the Public Education Employees' Health Insurance Board, its authority, responsibilities, powers, and duties,

and to provide for the terms of its members. To further provide for the types of medical/hospital coverages which may be offered under the public education employees' health insurance plan. To further provide that the board, upon certain finding, may develop a plan of self insurance.

The question was upon the passage of the bill, H. 163, the Governor's veto to the contrary notwithstanding.

On motion of Rep. Drinkard, the bill, H. 163, was again read at length and passed, the Governor's objection to the contrary notwithstanding.

Yeas 82; Nays 15.

Yeas:

Reps.: Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coleman, Cosby, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Gaston, Goodwin, Grimsley, Grouby, Hammett, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A.L.), Johnson, (R.G.), Johnson (Roy), Junkins, Kennedy, Laird, Langford, Lauderdale, Layton, Manley, Martin, Mathis, Melton, Minus, Mitchell, Murphy, Nevett, Newman, Nicholson, Parker, Payne, Poole, Preuitt, Rains, Rice, Richardson, Rogers, Smith, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turner, Venable, Warren, White (F), Williams, Wilson and Zoghby.

—82

Nays:

Mr. Speaker, Bowling, Freeman, Harper, Kvalheim, Lewis, McKee, McMillan, Sasser, Scott, Seibels, Starkey, Turnham, Waggoner, and Wright.

—15

Which was a majority of the whole number elected to the House.

RESOLUTIONS

The following resolutions were introduced:

By Rep. Casey, Adams, Albright, Ashley, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Brooks, Browder, Bryant, Butler, Campbell, Carothers, Carter, Coburn, Coleman, Cosby, Crow, Davis, Drake, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Goodwin, Grimsley, Grouby, Hall, Hammett, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A.L.), Johnson, (R.G.), Johnson (Roy), Junkins, Laird, Langford, Lauderdale, Layton, Lewis, McKee, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, and Wright:

H. J. R. 432. EXPRESSING THE LEGISLATURE'S APPRECIATION TO THE UNIVERSITY OF SOUTH ALABAMA AND TO THE MOBILE AND BALDWIN COUNTY DELEGATIONS.

WHEREAS, the Alabama Legislature extends deep appreciation to the University of South Alabama and to the Mobile and Baldwin County Delegations for their gracious hospitality; and

WHEREAS, on Wednesday, July 13, 1983, the generosity of the above named hosts was reflected in an evening of fun 'n fellowship, and fantastic fare—the Gulf's finest seafood prepared to perfection and served with all the trimmings; and

WHEREAS, the old Passenger Pavilion of Montgomery's historic Union Station also was the scene for country music entertainment as well as special entertainment provided by members of our Gulf Coast delegations; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in appreciation for their more-than-generous hospitality, we hereby express heartfelt "Thanks for the Memories" to the University of South Alabama and to the Mobile and Baldwin County Delegations, all of whom shall be presented with copies of this resolution of gratitude for their kindness.

On motion of Rep. Casey, the rules were suspended and the resolution, H. J.R. 432, was adopted.

Also:

By Reps. Hall, Turnham, Rains, Faulk, Coleman, White (L), Rice, Johnson (A.L.), Mathis, Carothers, Harper, McMillan, Preuitt, Flowers, Blakeney, Gaston, Cosby, Bowling, Johnson (R.G.), Minus, Martin, Laird, Wright, Wilson, Nicholson, Junkins, Newman, Dutton, Lauderdale, Payne, Trammell, Moore, Scott, Thornton, Davis, Nevett, Holley, Williams, Smith and Manley:

H. R. 433. REQUIRING MEETINGS OF STANDING COMMITTEES BE HELD AT THE STATE CAPITOL.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE ALABAMA LEGISLATURE, That meetings of all standing committees of the House of Representatives are hereby required to be held at the State Capitol before any vote on any bill can be taken. The provisions of this resolution shall be void and be of no effect after August 1, 1983.

AMENDMENT OFFERED

Rep. Brooks offered the following amendment to the resolution, H. R. 433:

Amend H. R. 433 on page 1, line(s) 15 by (adding) after the word "committees" the following:

, with the exception of local legislation committees,

MOTION TO INDEFINITELY POSTPONE LOST

The motion offered by Rep. Albright to indefinitely postpone the resolution, H. R. 433 and pending amendment, was lost.

Yeas 4; Nays 7.

Yeas: Reps. Albright, Brooks, Freeman and Hettinger. —4

Nays:

Reps. Hall, Harper, Kvalheim, McKee, Martin, Turnham and Zoghby.

—7

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate was acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the House Bill:

H. 395. To amend Section 28-7-16, Code of Alabama 1975, relating to the levy, the collection, and the disposition of the proceeds of the tax on the sale of table wine, so as to provide further therefor.

And the President and Presiding Officer of the Senate has appointed as Committee on part of the Senate Senators: Cabaniss, Denton, and Foshee.

McDOWELL LEE,
Secretary.

H.R. 433 RESUMED

AMENDMENT TABLED

The question was then on the adoption of the amendment offered by Rep. Brooks to the resolution, H. R. 433, and on motion of Rep. Hall, the amendment was tabled.

Yeas 5; Nays 4.

Yeas: Reps. Hall, Harper, Smith, Turner and Turnham. —5

Nays: Reps. Albright, Brooks, Freeman and Hettinger. —4

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

RESOLUTION ADOPTED

On motion of Rep. Hall, the rules were suspended and the resolution, H. R. 433, was adopted.

SPECIAL ORDER RESUMED

And the Bill:

H. 917. Relating to Utilities in the City of Decatur in Morgan County; Providing that the City of Decatur Sanitation Department, the Decatur-Morgan County Landfill, and the Decatur Utilities Board shall not provide in any year more than a five percent increase in certain services over that amount provided from July 1, 1982, to June 30, 1983, without approval of the Decatur City Council.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 48; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Blake, Blakeney, Bowling, Brakefield, Buskey, Carter, Coleman, Cosby, Drinkard, Gaston, Goodwin, Grimsley, Harper, Johnson (A.L.), Johnson (Roy), Junkins, Kennedy, Laird, Lauderdale, McKee, Manley, Martin, Mathis, Minus, Mitchell, Murphy, Newman, Nicholson, Parker, Preuitt, Rains, Rice, Richardson, Scott, Seibels, Starkey, Starr, Turner, Turnham, Venable, Warren, White (L), Wilson and Zoghby.

—48

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has non-concurred in the House amendment to the Bill:

S. 58. To propose a new constitution for the State of Alabama to replace the Constitution of 1901, as amended.

and requests a Committee on Conference.

And the President and Presiding Officer of the Senate has appointed as Committee on part of the Senate Senators: deGraffenried, Aldridge, and Keener.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

Rep. Johnson (Roy) offered the motion that the House accede to the request of the Senate for a Committee on Conference on the disagreement of the two Houses on the House amendment to the bill, S. 58.

SUBSTITUTE MOTION TABLED

On motion of Rep. Johnson (Roy), the substitute motion offered by Rep. Minus that the House not accede to the request of the Senate for a Committee on Conference on the disagreement of the two Houses on the House amendment to the bill, S. 58, was tabled.

Yeas 63; Nays 29.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Biddle, Blake, Boles, Bowling, Box, Brakefield, Browder, Bryant, Buskey, Campbell, Carothers, Carter, Casey, Clark, Coburn, Crow, Davis, Escott, Ford, Goodwin, Grouby, Harvey, Hettinger, Holley, Horn, Howard, Johnson (A.L.), Johnson (Roy), Junkins, Kennedy, Langford, Lauderdale, Layton, Lewis, Manley, Martin, Mathis, Melton, Mitchell, Murphy, Nevett, Nicholson, Parker, Poole, Rice, Rogers, Smith, Starkey, Stout, Thomas, Thornton, Trammell, Tucker, Turner, Venable, Warren, Williams, Wilson and Zoghby.

—63

Nays:

Reps.: Blakeney, Brooks, Clikas, Coleman, Cosby, Dutton, Freeman, Gaston, Grimsley, Hammett, Harper, Johnson (R.G.), Kvalheim, Laird, McKee, McMillan, Minus, Newman, Payne, Penry, Rains, Richardson, Sasser, Scott, Seibels, Turnham, White (F), White (L) and Wright.

—29

The question was then on the motion offered by Rep. Johnson (Roy) that the House accede to the request of the Senate for a Committee on Conference, and the motion was adopted.

Yeas 77; Nays 14.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Browder, Bryant, Buskey, Campbell, Carothers, Carter, Casey, Clark, Coburn, Coleman, Cosby, Crow, Davis, Drinkard, Escott, Faulk, Flowers, Ford, Goodwin, Grimsley, Grouby, Hall, Hammett, Harvey, Hettinger, Holley, Horn, Howard, Johnson (A.L.), Johnson (Roy), Junkins, Kennedy, Laird, Langford, Lauderdale, Layton, Lewis, Manley, Martin, Mathis, Minus, Mitchell, Murphy, Nevett, Newman, Nicholson, Parker, Payne, Poole, Preuitt, Rice, Richardson, Rogers, Smith, Starkey, Stout, Thomas, Thornton, Trammell, Turner, Turnham, Venable, Warren, White (L), Williams, Wilson and Zoghby.

—77

Nays:

Reps.: Brooks, Clikas, Dutton, Freeman, Gaston, Harper, Kvalheim, McKee, McMillan, Penry, Rains, Sasser, Seibels and Wright.

—14

COMMITTEE APPOINTED

The Speaker appointed as a committee on the part of the House Reps. Casey, Browder and Johnson (Roy).

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Senator Dixon:

S. 125. To exempt the Drum Corps in Montgomery, Inc., doing business as Southwind Drum and Bugle Corps, from the payment of all state, county and municipal sales and use taxes.

Also:

By Senator Parsons:

S. 510. To amend section 6-10-6, Code of Alabama 1975, relating to exemption of certain personal property from levy and sale under execution, so as to provide that no such property upon which a debtor has voluntarily

granted a lien shall be subject to such exemption.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 125. Ways and Means.

S. 510. Judiciary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Senator Foshee:

S. 432. To amend Section 36-26-17, Code of Alabama, 1975, as amended, to provide that if a department head appointed by the Governor has served in that position six or more years and a merit system position becomes available in that department, he may be appointed to that position by the Governor if he meets the qualifications for the applicable State merit system classification. He shall have State merit system status and be entitled to all of the benefits of the State merit system.

Also:

By Senator Foshee:

S. 433. To amend Section 36-27-11, Code of Alabama, 1975, as amended, to provide that if a department head appointed by the Governor has been a member of the employees' retirement system as an employee, a State department head, and a county engineer prior to March 30, 1982 and has withdrawn his contributions to the retirement system, he shall have restored to him all credited service provided that said department head shall repay to the State treasurer of the retirement system within one year after the effective date of this act the amount previously returned to him including compounded interest of 8% to the date of repayment; provided further that said department head may receive credit toward retirement status in the employees' retirement system of Alabama for his full time military service provided that he makes the required contributions plus interest as provided in Section 36-27-4(d), Code of Alabama, 1975, within one year of the effective date of this act; provided further that said department head shall receive membership service credit with the employees' retirement system of Alabama for time served as a county engineer in a county which was not covered under the employees' retirement system of Alabama upon payment of an amount equal to 4% of his compensation as a county engineer plus and together therewith 8% interest compounded from the last date of such claimed service as county engineer to the date of payment to the secretary/treasurer of the retirement systems of Alabama. Said lump sum payment to be made within one year of the effective date of this act.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 432. State Administration.

S. 433. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Senators Kirkland and Goodwin:

S. 312. To provide for court ordered continuing income withholding by employers as a discretionary judicial means of enforcing restitution orders in criminal cases; to provide further that after notice and hearing such income withholding orders may also be issued for the enforcement of previously ordered restitution obligations which are delinquent; to provide further that other income or assets may be attached for the enforcement of restitution orders; to provide further that any court order requiring the withholding or attachment of assets or income may be modified or rescinded on certain conditions; to provide further for service of court orders withholding income or attaching assets; to provide further for service by certified mail, return receipt requested and for the taxing of costs of such service; to provide further that income withholding orders or orders attaching assets shall take precedence over subsequently issued garnishments or writs except as the same applies to the support of any dependent children of the defendant; to provide that no employer may discharge or refuse to hire a person solely because of such order; and to provide that any person who refuses to comply with the order may be deemed to be in contempt of court and liable to the victim for amounts not withheld; and to provide for legislative findings, policy, and judicial construction.

Also:

By Senators Mitchell and Dixon:

S. 414. To amend Code of Alabama, 1975, Section 36-25-27, so as to reduce the possible penalty for violating the law from up to ten years imprisonment to a period of up to five years imprisonment; and set a maximum fine of $1,000 for failure to file the appropriate disclosure statement.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 312. Judiciary.

S. 414. Judiciary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Senator Foshee:

S. 470. To exempt from the payment of any and all state, county and municipal ad valorem taxes on real and personal property of certain Alabama nonprofit corporations organized for the purpose of providing low cost housing for certain elderly or handicapped persons when the projects of any such nonprofit corporation are financed by loans made, insured or guaranteed by the United States government under provisions of the National Housing Act or of the United States Housing Act of 1937; to provide certain other qualifications for such exemptions including the requirement of certain charter provisions relating to compensation of directors and officers, distribution of income or assets and the conveyance of assets in the event of dissolution or other liquidation.

Also:

By Senators Goodwin, Smith (J), Smith (B), Bedsole, Bachus, Harrison, Boyington, Barron, Bedford, and Corbett:

S. 211. To define and set the punishment for the crimes of; unlawful distribution of controlled substances in the first, second, and third degree; unlawful possession of a controlled substance in the first, second, and third degree; unlawful possession of marihuana in the first and second degree; unlawful possession of narcotic paraphernalia; to provide for forfeitures and seizures; to amend Code of Alabama 1975, Sections 20-2-2, 20-2-32, 20-2-72, 20-2-80 and 20-2-93; to provide for the incorporation of Act No. 82-426, "The Imitation Controlled Substances Act," into this act; to provide for the incorporation of the provisions of this act into Title 13A of the Code of Alabama 1975; to repeal Code of Alabama 1975, Sections 20-2-70, 20-2-73, 20-2-75; and any and all other laws or parts of laws that conflict with this act, insofar as conduct occurring after the effective date of this act is concerned; to provide that this act is supplemental to other laws not inconsistent with this act and shall not be deemed to repeal such laws; to specify the conduct to which this act applies; to provide for severability; and, to provide an effective date 90 days after its passage and approval.

Also:

By Senator Smith (J):

S. 154. To amend Section 15-18-8, Code of Alabama 1975, which imposes a minimum term of confinement, upon conviction, of a sentence of 10 years or less, so as to increase said minimum term; and to amend Section 15-22-50, Code of Alabama 1975, which imposes a maximum term of confinement, upon conviction, of a sentence of 10 years or less, so as to increase said maximum term.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to

appropriate Standing Committees as follows:

S. 470. Ways and Means.

S. 211. Judiciary.

S. 154. Judiciary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Senator Smith (J):

S. 283. Providing for the termination of parental rights and responsibilities of parents who are unable or unwilling to discharge their responsibilities to and for the child; providing certain definitions; enumerating the circumstances to be considered by the court in cases where such rights and responsibilities are sought to be terminated; providing for the procedure to be followed in termination cases; providing for the disposition of such cases; and providing for periodic review of the circumstances of certain children.

Also:

By Senator Bedford:

S. 408. To amend Sections 12-19-90, 7-9-403, 7-9-404, 7-9-405, 7-9-406, 7-9-407, 9-11-37, 9-11-47, 9-11-55, 9-11-56, 33-5-10, 33-5-17, 40-12-2, 40-12-15 and 40-12-22, Code of Alabama, 1975, which relate to the fees and charges for services rendered in the probate offices of this state, so as to provide further for the fees and charges for services rendered in such offices.

Also:

By Senator Teague:

S. 251. Providing for purging the lists of registered voters; requiring and prescribing the procedure for the re-identification of registered voters; providing for the appointment of deputy registrars to aid in the re-identification and registration of electors; placing certain duties on the board of registrars, judge of probate, and the county governing body relative to the re-identification of registered voters; and providing a penalty for willfully making a false statement in connection with re-identification.

Also:

By Senators Little and Mitchem:

S. 323. Proposing an amendment to Amendment No. 269 to the Constitution of Alabama of 1901 relating to a special property tax by counties or municipalities for library purposes.

Also:

By Senator Menton:

S. 540. To amend section 43-2-42 of the Code of Alabama 1975, which relates to the order of preference in the right to administer an intestate's estate, so as to provide further for the order of granting said right of administration in counties where the general administrator is elected by vote of the people.

Also:

By Senator Bedford:

S. 409. To amend Sections 40-22-1 and 40-22-2, Code of Alabama, 1975, as amended, which relate to recordation tax on certain instruments received for record in the probate offices of this state, so as to provide further for the rates of such taxes and the commissions allowed for the collection of such recordation taxes.

Also:

By Senators Mitchell and Goodwin:

S. 555. To authorize the State Industrial Development Authority to sell and issue from time to time its bonds not exceeding $6,000,000 in principal amount in addition to those heretofore authorized to be issued by it; to prescribe certain additional powers and duties of the Authority, including (a) the power to make grants from the proceeds of the said additional bonds to counties, municipalities, and local industrial development boards, subject to certain limitations, for the purposes of making certain local surveys incidental to industrial development and to grade and drain industrial sites and the means of access thereto and (b) the power to establish a revolving loan fund of up to $3,000,000 from the proceeds of the said additional bonds, and to make loans from such fund to local industrial development boards, subject to certain limitations, for the purpose of encouraging construction of buildings for industrial development purposes, with such loans to be made on a participating basis and to be repaid by any recipient board upon entry into a lease or sale of any such building; to provide that the Authority may issue and sell such bonds for the purpose of making the said grants and loans; to provide for the execution, form and terms of such bonds and for the terms of sale thereof; to provide that such bonds and the income therefrom shall be exempt from taxation, that such bonds may be used to secure deposits of funds of the state and its political subdivisions, instrumentalities and agencies, shall be legal for investment of fiduciary funds and funds of the Teachers' Retirement System of Alabama, the Employees' Retirement System of Alabama, and the State Insurance Fund, and shall not create an obligation or debt of the state; to provide for the deposit, investment and disposition of the proceeds of the sale of the bonds of the Authority; to make an appropriation and pledge of funds from the special tax levied by Sections 40-25-2 and 40-25-23, Code of Alabama 1975, to the extent necessary to pay the principal of and interest on bonds of the Authority; to authorize the Authority to pledge the funds so appropriated for the payment of the principal of and interest on its bonds; to provide that such principal and interest shall be payable solely from the funds so appropriated; and to provide that the state treasurer shall be the custodian of the funds of the Authority.

Also:

By Senators Mitchell and Goodwin:

S. 556. To amend Section 40-25-23, Code of Alabama 1975, so as to reallocate a portion of the revenues derived from the taxes levied upon cigarettes authorized by Sections 40-25-2 and 40-25-41, Code of Alabama 1975, and to appropriate so much of these revenues as may be necessary for the retirement of additional bonds of the State Industrial Development Author-

ity not exceeding $6,000,000 in aggregate principal amount.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 283. Judiciary.

S. 408. State Administration.

S. 251. Constitution and Elections.

SENATE MESSAGE

The Senate Bill, S. 323, the title of which is set out in the above and foregoing Message from the Senate, was read a first time at length as required by the Constitution, and referred to the Standing Committee on Local Government.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 540. Judiciary.

S. 409. Ways and Means.

S. 555. Ways and Means.

S. 556. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Senators Teague and Corbett:

S. 379. To make an appropriation of certain Trust Income from the Alabama Heritage Trust Income Account to Tuskegee Institute for capital outlay for the fiscal year ending September 30, 1984.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 379. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and

ordered same sent forthwith to the House without engrossment:

By Senators Bedsole and Corbett:

S. 226. To prescribe certain qualifications for persons representing themselves to the public as dietitians, nutritionists or registered dietitians or other similar titles; and to prescribe penalties for violations of this Act.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 226. Health.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Senator Teague:

S. 308. To amend § 13A-9-13.1, Code of Alabama 1975, so as to make clear that the crime of negotiating a worthless negotiable instrument includes the giving of a check in payment of a tax liability.

Also:

By Senator Barron:

S. 393. To amend Section 32-6-272, Code of Alabama 1975, relating to distinctive license plates for fire fighters, so as to provide said persons shall pay the same amount as rescue squad members for said plates.

Also:

By Senator Harrison:

S. 401. To exempt the Southern League Dixie Youth Baseball, Inc. and Southeastern League Dixie Youth Baseball, Inc. from the payment of all state, county and municipal sales and use taxes.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 308. Judiciary.

S. 393. Ways and Means.

S. 401. Local Government.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Senator Amari:

S. 404. To amend sections 11-91-1 through 11-91-7, Code of Alabama, 1975, relating to group life, health and accident insurance plans for officers and employees of municipalities and counties, so as to clarify which officers and employees and their dependents and their dependent survivors or any of them or all of them should be included in such insurance plans; to supersede Act No. 716, H. 1342, 1977 Regular Session (Acts 1977, p. 1258) relating to hospitalization insurance for certain retired employees of municipalities having populations of 250,000 or more; and to repeal all laws or parts of laws in conflict herewith.

Also:

By Senator Hilliard:

S. 258. To provide for the implementation of agreements to arbitrate disputes in accordance with the uniform arbitration act within the scope provided hereinbelow, to provide minimum standards for arbitration procedures and rules for review by the courts of arbitration awards, and to repeal Code of Alabama 1975, Sections 6-6-1 to 6-6-16, relating to arbitration and award.

Also:

By Senator Cabaniss:

S. 137. To amend Section 11-43-3, Code of Alabama 1975, to eliminate the requirement that the city treasurer and the city clerk in municipalities of more than 6,000 inhabitants must be a resident of the city but providing that the council may, by ordinance, require that such officers be residents of the city.

Also:

By Senator Kirkland:

S. 539. To amend further Section 9-17-13 of the Code of Alabama 1975, relating to the integration of separately owned tracts of land and development of same in drilling units, so as to provide that non-consenting owners in a pooled drilling unit shall be required to pay their proportionate share of the drilling and completion cost out of their share of production plus a charge for risk of 200% of the actual drilling and completion costs, this cost to be paid out of first production, and in the event production is not obtained in paying quantities, the operator of the well shall have no charge against the non-consenting owner or owners.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 404. State Administration.

S. 258. Business and Labor.

S. 137. Local Government.

S. 539. Natural Resources.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Senator Holmes (With Notice and Proof):

S. 537. Relating to Calhoun County; authorizing the county commission to levy an additional ½¢ sales tax paralleling the state sales tax provided for in Sections 40-23-1, 40-23-2, 40-23-3 and 40-23-4, Code of Alabama 1975, providing for the collection, distribution and use of the proceeds of such tax; providing for the enforcement of this act by the state department of revenue; prescribing penalties and fixing punishment for violation of this act; and to provide that the substantive provisions hereof must be approved by the voters of the area in which the tax would be levied.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 537, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE,
Secretary.

Also:

By Senator Kirkland (With Notice and Proof):

S. 548. Relating to Escambia County; providing further for the compensation of supernumerary circuit clerks; providing for an expense allowance for such supernumerary officials and allocating the amount payable from the county general fund.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 548, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE,
Secretary.

Also:

By Senator Robertson (With Notice and Proof):

S. 549. Relating to Pickens County; to provide for the time intervals in which elections may be held as to the question of whether to allow or to prohibit the manufacture and sale of wine, alcoholic liquor or beverages as provided for by Article IV, Section 104 of the Constitution of Alabama of 1901.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 549, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE,
Secretary.

Also:

By Senators Proctor and Bachus (With Notice and Proof):

S. 557. Relating to Shelby County; providing further for the licensing of retailers of alcoholic beverages.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 557, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE,
Secretary.

Also:

By Senator Robertson (With Notice and Proof):

S. 550. Relating to Pickens County; prohibiting the possession of alcoholic liquors and beverages as provided for by Article IV, Section 104 of the Constitution of Alabama of 1901; providing for exceptions; and providing penalties for violations.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 550, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE,
Secretary.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 537. Local Legislation No. 1.

S. 548. Local Legislation No. 1.

S. 549. Local Legislation No. 1.

S. 557. Local Legislation No. 1.

S. 550. Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Senator Smith (J) (With Notice and Proof):

S. 546. Relating to Limestone County; prohibiting residents of the City of Athens from voting in the election of the county superintendent and county board of education; and the provisions of this act shall be subject to an advisory referendum with the qualified electors voting thereon.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 546, AS REQUIRED IN THE GENERAL

ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE,
Secretary.

Also:

By Senator Little (With Notice and Proof):

S. 547. Relating to Lee County, providing further for the registration fees on mobile homes; providing further for the distribution of such fees; providing for an effective date; and repealing Act No. 481, H. 1193, 1976 Regular Session (Acts 1976, p. 597).

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 547, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE,
Secretary.

By Senator Figures (With Notice and Proof):

S. 277. To provide for an adjustment in certain benefits paid under the pension and relief system for policemen and firemen of the City of Mobile to retired members of such system who retired after October 1, 1977, and before May 4, 1978.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 277, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE,
Secretary.

Also:

By Senator Amari (With Notice and Proof):

S. 544. To establish service territories for electric suppliers in and around Tarrant City, Jefferson County, Alabama; to declare that it is the policy of the State of Alabama to ensure effective, economical and orderly supply of electric service at retail to customers in and around Tarrant City and to avoid unnecessary duplication of facilities by electric suppliers for the furnishing of retail electric service; to provide procedures for eliminating or reducing the potential for duplication of electric distribution facilities in and around Tarrant City by adopting and mandating that the procedures for elimination and prevention of the duplication of electric distribution facilities set forth in that certain agreement between Tarrant City and Alabama Power Company dated June 8, 1983 shall be the law of this State.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 544, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE,
Secretary.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and fore-

going Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 546. Local Legislation No. 1.

S. 547. Local Legislation No. 1.

S. 277. Local Legislation No. 3.

S. 544. Local Legislation No. 2.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Senator Smith (J) (With Notice and Proof):

S. 200. Relating to the City of Huntsville; to regulate further the election and terms of office of the mayor and city councilmen; and to provide that the provisions of this Act shall repeal and supersede the provisions of Section One of Act No. 738 of the 1971 Regular Session of the Legislature of Alabama, insofar as it applies to the City of Huntsville.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 200, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE,
Secretary.

Also:

By Senator Barron (With Notice and Proof):

S. 329. Relating to Madison County; to further provide for the distribution of the beer tax levied by Act No. 82-344, H. 165, Regular Session 1982.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 329, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE,
Secretary.

Also:

By Senator Barron (With Notice and Proof):

S. 407. Relating to the portions of Madison, Jackson and DeKalb Counties which comprise State Senate District 8, so as to create an economic development committee and the position of comprehensive economic development coordinator and to provide for the duties, funding and compensation of said committee and coordinator.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 407, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE,
Secretary.

Also:

By Senator Smith (B) (With Notice and Proof):

S. 552. To approve the proposal of the governing body of the City of Huntsville and the Board of Education of the City of Huntsville, relating to the special school taxes heretofore levied pursuant to Amendment No. 305 of the Constitution of Alabama of 1901, that the rate of said special school taxes be increased above the limit provided by said Amendment No. 305 so as to increase the total rate of ad valorem taxes to be levied and collected pursuant to Amendment No. 305 by 65¢ on each one hundred dollars worth of taxable property (6 ½ mills), making the total levy pursuant to Amendment No. 305, 11 ½ mills; providing for an election by the qualified electors of the City of Huntsville at a special election called and held in accordance with law governing special elections; and providing for an effective date for this Act.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 552, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE,
Secretary.

Also:

By Senator Smith (B) (With Notice and Proof):

S. 554. To authorize the governing body of the City of Huntsville in Madison County to regulate and permit the sale and consumption of alcoholic beverages upon the licensed premises of licensees of the Alabama Alcoholic Control Board and licensees of the City of Huntsville on Sunday; to provide that the provisions of this act are cumulative, and that the act shall not be held to repeal any other general or special act; and to provide an effective date for this act.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 554, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE,
Secretary.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 200. Local Legislation No. 4.

S. 329. Local Legislation No. 4.

S. 407. Local Government.

S. 552. Local Legislation No. 4.

S. 554. Local Legislation No. 4.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 214. To amend Section 13A-6-45 of the Code of Alabama 1975, relating to interference with custody, so as to change the penalty for such offense from a misdemeanor to a felony.

Also:

H. 649. To amend Sections 16-50-20 and 16-50-25, Code of Alabama 1975, relating to the appointment, terms of office and number of members of the board of trustees for Alabama State University, so as to provide further for an additional trustee from the home district and the terms of office; and to allow reappointment for a certain period.

Also:

H. 630. To amend Section 32-5-215, Code of Alabama 1975, which provides for windshields on motor vehicles, so as to prohibit the use of tinted or obstructed windshields.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators Kirkland, Foshee, Bishop, Parsons, Figures, Bedsole, and Covington:

S. J. R. 238. EXPRESSING LEGISLATIVE INTENT AND PUBLIC POLICY THAT OFFSHORE ENVIRONMENTAL RULES BE CONSISTENT WITH, BUT NOT MORE STRINGENT THAN, FEDERAL OFFSHORE ENVIRONMENTAL REGULATIONS.

WHEREAS, the State of Alabama is suffering through one of the worst economic periods in its history, with declining business activity and a resultant loss of jobs; and

WHEREAS, a long-term and assured source of energy is essential to the continued viability of existing business; the state's attractiveness to new business, and an improved standard of living for all Alabama citizens; and

WHEREAS, lease bonuses and royalties from oil and gas production from state lands will aid the Alabama Treasury to the benefit of all state funding programs; and

WHEREAS, the State of Alabama, through ownership of Alabama submerged lands is in direct competition for lease bonuses and mineral development on adjacent U. S. Government acreage; and

WHEREAS, forty years of experience and numerous environmental studies have shown that offshore exploration and production can exist in harmony with the environment; and

WHEREAS, through more than forty years of attaining environmental protection in federal offshore waters, federal agencies have developed the

expertise and environmental rules conducive to protection of the environment and encouragement of natural resource development; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the legislative intent and public policy of the State of Alabama is that Alabama offshore environmental rules shall be consistent with but no more stringent than existing federal offshore environmental regulations.

BE IT FURTHER RESOLVED, That copies of this resolution be forwarded to the Governor, State Oil and Gas Board, Department of Conservation and Natural Resources, Department of Environmental Management and any other state agencies and departments involved in the regulation of offshore oil and gas exploration and production so that they may know of our concern, interest and desire for appropriate regulations in this most important area.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Hammett, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 238, set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Figures:

S. J. R. 268. COMMENDING MRS. LONIA M. GILL UPON HER RETIREMENT AS EXECUTIVE SECRETARY OF THE WOMAN'S HOME AND OVERSEAS MISSIONARY SOCIETY OF THE A.M.E. ZION DENOMINATION.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Turner, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 268, the title of which is set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Proctor:

S. J. R. 278. CONGRATULATING JUDY SURJANTO AS PRESIDENT OF THE ALABAMA MEDICAL RECORD ASSOCIATION, AND SAID ASSOCIATION ON ITS 40TH ANNIVERSARY.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Hammett, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 278, the title of which is set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Sens. Barron, Corbett, Aldridge, Amari, Bachus, Bailey, Bedford, Bedsole, Bishop, Boyington, Cabaniss, Cooley, Covington, deGraffenried, Denton, Dixon, Figures, Foshee, Goodwin, Harrison, Hilliard, Holmes, Keener, Kirkland, Little, Menton, Mitchell, Mitchem, Parsons, Pearson, Proctor, Robertson, Smith (B), Smith (J) and Teague:

S. J. R. 271. URGE THE EXPEDITIOUS INSTALLATION OF THE NEW STATE GOVERNMENT TELECOMMUNICATIONS SYSTEM.

WHEREAS, the current Alabama state government telecommunication system, installed in 1975, has become overloaded bringing about problems in the necessary communications of said government; and

WHEREAS, these problems are severely impairing the ability of the Legislature to serve its constituency and address the problem of overall state government; and

WHEREAS, the court ordered divestiture of the A.T.&T. subsidiaries has impaired implementing the installation of a new, more efficient, more effective telecommunication system for the State; and

WHEREAS, the State of Alabama has made a conscientious and reasonable approach to resolve this matter; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we strongly urge the State of Alabama, South Central Bell and American Bell, Incorporated, to move quickly and expeditiously to bring about the installation of the new telecommunication system, utilizing the most current technology, for the state government of the State of Alabama.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to the Governor of the State of Alabama, to the President of South Central Bell and to the President of American Bell, Incorporated.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The resolution, S. J. R. 271, set out in the above and foregoing Message from the Senate, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed

the following House Bill and returns same herewith to the House:

H. 264. To amend Sections 32-5-192, 32-5A-191, 32-5A-192, 32-6-19, and 11-45-9, Code of Alabama 1975, relating to offenses and penalties for refusal to submit to a chemical test under 32-5-192 (Implied Consent); to generally increase the penalties and other sanctions for violation of 32-5A-191 (DUI); to clarify the penalty for violation of 32-5A-192 relating to Homicide by Vehicle; to generally increase the penalty for violation of Section 32-6-19 relating to Driving While Revoked; and to allow municipal courts to enforce increased penalties under 32-5A-191 (DUI) by amending 11-45-9.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

Rep. Lewis offered the motion that the House concur in the Senate amendment to the bill, H. 264, said Senate amendment being as follows:

In Section 1, on page 6, after line 29, insert the following language:

(g) A person who has been arrested for violating the provisions of this section shall not be released from jail under bond or otherwise, until there is less than the same percent by weight of alcohol in his blood as specified in subsection (a) (1) hereof.

In the Synopsis, page 1, line 15 and in the title, page 1, line 31 add the following sentence:

The bill also provides for conclusive presumptions of driving under the influence of 0.10 percent or more weight of alcohol in the blood under 32-5A-194.

In Section 1, page 1, line 34, after the number 11-45-9, add the following:

and 32-5A-194

As a continuation of Section 1, page 7, on line 36, add the following:

"§ 32-5A-194.

"(a) Upon the trial of any civil, criminal or quasi-criminal action or proceeding arising out of acts alleged to have been committed by any person while driving or in actual control of a vehicle while under the influence of alcohol or controlled substance, evidence of the amount of alcohol or controlled substance in a person's blood at the alleged time, as determined by a chemical analysis of the person's blood, urine, breath or other bodily substance, shall be admissible. Where such a chemical test is made the following provisions shall apply:

"(1) Chemical analyses of the person's blood, urine, breath or other bodily substance to be considered valid under the provisions of this section shall have been performed according to methods approved by the state board of health and by an individual possessing a valid permit issued by the state board of health for this purpose. The state board of health is authorized to approve satisfactory techniques or methods, to ascertain the qualifications and competence of individuals to conduct such analyses, and to issue permits which shall be subject to termination or revocation at the discretion of the state board of health. The state board of health shall not approve the permit required in this section for making tests for any law

enforcement officer other than a member of the state highway patrol, a sheriff or his deputies, a city policeman or laboratory personnel employed by the department of forensic sciences.

"(2) When a person shall submit to a blood test at the direction of a law enforcement officer under the provisions of section 32-5-192, only a physician or a registered nurse (or other qualified person) may withdraw blood for the purpose of determining the alcoholic content therein. This limitation shall not apply to the taking of breath or urine specimens. If the test given under section 32-5-192 is a chemical test of urine, the person tested shall be given such privacy in the taking of the urine specimen as will insure the accuracy of the specimen and, at the same time, maintain the dignity of the individual involved.

"(3) The person tested may at his own expense have a physician, or a qualified technician, registered nurse or other qualified person of his own choosing administer a chemical test or tests in addition to any administered at the discretion of a law enforcement officer. The failure or inability to obtain an additional test by a person shall not preclude the admission of evidence relating to the test or tests taken at the direction of a law enforcement officer.

"(4) Upon the written request of the person who shall submit to a chemical test or tests at the request of a law enforcement officer, full information concerning the test or tests shall be made available to him or his attorney.

"(5) Percent by weight of alcohol in the blood shall be based upon grams of alcohol per 100 cubic centimeters of blood.

"(b) Upon the trial of any civil, criminal, or quasi-criminal action or proceeding arising out of acts alleged to have been committed by any person while driving or in actual physical control of a vehicle while under the influence of alcohol, the amount of alcohol in the person's blood at the time alleged as shown by chemical analysis of the person's blood, urine, breath or other bodily substance shall give rise to the following presumptions:

"(1) If there were at that time 0.05 percent or less by weight of alcohol in the person's blood, it shall be presumed that the person was not under the influence of alcohol.

"(2) If there were at that time in excess of 0.05 percent but less than 0.10 percent by weight of alcohol in the person's blood, such fact shall not give rise to any presumption that the person was or was not under the influence of alcohol, but such fact may be considered with other competent evidence in determining whether the person was under the influence of alcohol.

"(3) If there were at that time 0.10 percent or more by weight of alcohol in the person's blood, it-shall-be-presumed then there shall be a conclusive and irrebuttable presumption that the person was under the influence of alcohol.

"(4) The foregoing provisions of this subsection shall not be construed as limiting the introduction of any other competent evidence bearing upon the question whether the person was under the influence of alcohol.

"(c) If a person under arrest refuses to submit to a chemical test under the provisions of section 32-5-192, evidence of refusal shall be admissible in any civil, criminal or quasi-criminal action or proceeding arising out of acts alleged to have been committed while the person was driving or in actual physical control of a motor vehicle while under the influence of alcohol or

controlled substance.

"(d) No physician, registered nurse or duly licensed chemical laboratory technologist or clinical laboratory technician or medical facility shall incur any civil or criminal liability as a result of the proper administering of a blood test when requested in writing by a law enforcement officer to administer such a test."

Section 2. The provisions of this act are supplemental to other laws not inconsistent with this act, and such other laws shall not be deemed to be repealed by this act.

Section 3. This act applies to conduct occurring after its effective date. Conduct occurring before the effective date of this act shall be governed by pre-existing law.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Amend House Bill No. 264 as substituted and amended Page 5 beginning on Line 26, by striking out the word "debar" and inserting in lieu thereof the word:

"suspend"

SUBSTITUTE MOTION ADOPTED

The substitute motion offered by Rep. Box that the House non-concur in the Senate amendment to the bill, H. 264, and request a Committee on Conference on the disagreement of the two Houses on the Senate amendment, was adopted.

Yeas 75; Nays 1.

Yeas:

Mr. Speaker, Adams, Bennett, Biddle, Blake, Boles, Bowling, Box, Brakefield, Bryant, Campbell, Carothers, Clikas, Coburn, Coleman, Cosby, Crow, Faulk, Flowers, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hettinger, Holley, Johnson (A.L.), Johnson, (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Mathis, Minus, Mitchell, Moore, Murphy, Newman, Nicholson, Parker, Payne, Penry, Poole, Preuitt, Rains, Rice, Richardson, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Trammell, Turner, Turnham, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

—75

Nay: Rep. Ashley. —1

COMMITTEE APPOINTED

The Speaker appointed as a committee on the part of the House Reps. Lewis, Langford and Parker.

REPORT OF COMMITTEE OF CONFERENCE ON HOUSE BILL 395

We, the committee of conference appointed to reconcile the differences

between the two Houses concerning the bill, H.B. 395 have met and considered the matter referred and beg leave to report as follows:

We recommend H. B. 395 be amended as follows:

by deleting Section 2 where it appears on Page 4, Lines 21-23 and substituting in lieu thereof the following:

Section 2. Upon its passage and approval by the Governor, or upon its otherwise becoming law, this Act shall become effective at midnight September 30, 1983.

JAMES M. CAMPBELL,
JOHN CASEY,
TOM COBURN,
Conferees on Part of the House.
CRUM FOSHEE, JR.,
BILL CABANISS, JR.,
BOBBY DENTON,
Conferees on Part of the Senate.

REPORT OF COMMITTEE ON CONFERENCE ADOPTED

On motion of Rep. Campbell, the House concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the Senate amendment to the bill, H. 395, said report being set out in the above and foregoing Report of the Committee on Conference.

Yeas 74; Nays 5.

Yeas: Mr. Speaker, Adams, Albright, Ashley, Bennett, Biddle, Blake, Boles, Bowling, Box, Bryant, Campbell, Carothers, Carter, Casey, Clark, Coburn, Coleman, Crow, Davis, Escott, Faulk, Flowers, Goodwin, Grimsley, Hall, Harper, Hettinger, Holley, Horn, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Manley, Mathis, Melton, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Parker, Penry, Poole, Preuitt, Rains, Rice, Richardson, Rogers, Scott, Seibels, Smith, Starkey, Starr, Thomas, Thornton, Trammell, Turner, Turnham, Waggoner, Warren, White (F), White (L), Wilson, Wright and Zoghby.

—74

Nays: Reps.: Brooks, McMillan, Minus, Payne and Stout. —5

And the bill:

H. 395. To amend Section 28-7-16, Code of Alabama 1975, relating to the levy, the collection, and the disposition of the proceeds of the tax on the sale of table wine, so as to provide further therefor.

As amended by the Report of the Committee on Conference, was again read at length and passed.

Yeas 75; Nays 3.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Biddle, Blake, Boles, Bow-

ling, Box, Bryant, Carothers, Carter, Casey, Clark, Coburn, Coleman, Cosby, Crow, Davis, Faulk, Flowers, Freeman, Goodwin, Grimsley, Grouby, Hall, Harper, Hettinger, Holley, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Laird, Langford, Lauderdale, Layton, McKee, Manley, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Newman, Nicholson, Parker, Penry, Poole, Preuitt, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Turner, Turnham, Waggoner, Warren, White (F), White (L), Wilson, Wright and Zoghby.

—75

Nays: Reps.: Brooks, Kvalheim and McMillan. —3

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Browder. the rules were suspended in order to take up out of order the bill, H. 544.

Yeas 82; Nays 1.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Biddle, Blake, Boles, Brakefield, Brooks, Browder, Buskey, Campbell, Carothers, Casey, Clark, Clikas, Coleman, Cosby, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Goodwin, Grimsley, Grouby, Hall, Harper, Holley, Horn, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Layton, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Parker, Payne, Penry, Poole, Preuitt, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Turner, Turnham, Waggoner, Warren, White (L), Williams, Wilson, Wright and Zoghby.

—82

Nay: Rep. Box. —1

And the bill:

H. 544. (With Substitute): To provide a Crime Victims Compensation Commission, procedures relating to their appointment, terms, compensation, powers and duties; to provide provision for office, support, staff and secretarial services of such commission; to provide for awards for compensation, for economic loss under certain circumstances to qualified applicants; to provide for the limiting of awards under certain circumstances; to provide restrictions for Commission authority as to claimant and possible collateral source benefits; to provide for medical examination requirements including limited waiver of physician-patient privilege; to provide award without requirement of prosecution or conviction of any individual; to provide procedures for subrogation rights; to provide for special types of awards procedures; to provide for annual reports and their distribution; to provide further for audits of the Commission; to provide further for surety bond of members, agents and employees; to provide further for the Alabama Crime Victims Compensation Fund and payments thereto by certain persons; to provide further for the taxing or assessing of additional court costs, assessments or penalties; to provide further for the exemption of compensation from state or municipal taxation and certain writs of garnishment or attachment; to provide further for discretionary contributions by county and municipal governments; to provide further for certain persons to be in-

eligible for compensation; to provide further for criminal penalties to be attached to certain acts by members, agents, or employees of the Commission; to provide further for other criminal penalties in regard to claimants and other persons who perform certain acts or omissions; to provide further for other criminal penalties for persons who perform certain acts in regard to monies or securities of the Commission held in trust or otherwise; and to provide further for other criminal penalties in regard to false claims.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Judiciary, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To provide a Crime Victims Compensation Commission, procedures relating to their appointment, terms, compensation, powers and duties; to provide provision for office, support, staff and secretarial services of such commission; to provide for awards for compensation, for economic loss under certain circumstances to qualified applicants; to provide for the limiting of awards under certain circumstances; to provide restrictions for Commission authority as to claimant and possible collateral source benefits; to provide for medical examination requirements including limited waiver of physician-patient privilege; to provide award without requirement of prosecution or conviction of any individual; to provide procedures for subrogation rights; to provide for special types of awards procedures; to provide for annual reports and their distribution; to provide further for audits of the Commission; to provide further for surety bond of members, agents and employees; to provide further for the Alabama Crime Victims Compensation Fund and payments thereto by certain persons; to provide further for the taxing or assessing of additional court costs, assessments or penalties; to provide further for the exemption of compensation from state or municipal taxation and certain writs of garnishment or attachment; to provide further for discretionary contributions by county and municipal governments; to provide further for certain persons to be ineligible for compensation; to provide further for criminal penalties to be attached to certain acts by members, agents, or employees of the Commission; to provide further for other criminal penalties in regard to claimants and other persons who perform certain acts or omissions; to provide further for other criminal penalties for persons who perform certain acts in regard to monies or securities of the Commission held in trust or otherwise; and to provide further for other criminal penalties in regard to false claims.

Be It Enacted by the Legislature of Alabama:

Section 1. Short Title

This act shall be known and may be cited as the "Alabama Crime Victims Compensation Act."

Section 2. The Legislature hereby finds, determines and declares that victims of violent crime are often reduced to bereft and destitute circumstances as a result of the criminal acts perpetrated against them, that the financial or economic resources of such victims and their dependents are in many instances distressed or depleted as a result of injuries inflicted upon them by violent criminals.

That the general social and economic welfare of such victims and their dependents is and ought to be intimately affected with the public interest, that the deplorable plight of these unfortunate citizens should not go unnoticed by our institutions and agencies of Government.

The Legislature hereby further finds, determines and declares that it is to the benefit of all that victims of violence and their dependents be assisted financially and socially whenever possible.

To this end the Legislature intends to provide a means whereby victims of violent crime and their dependents may be provided compensation in the amount of actual expenses incurred as a direct result of criminal acts of other persons.

The provisions of this Act are to be construed so as to accomplish this purpose and to promote the same which is hereby declared to be the public policy of this state.

Section 3. As used in this Act the following words shall include, but are not limited to the following meanings unless the context clearly requires a different meaning:

(a) "Commission" means the Alabama Crime Victims Compensation Commission as created by Section 4 of this Act;

(b) "Criminally injurious conduct" means:

(1) an act occurring or attempted within the geographical boundaries of this state which results in personal injury or death to a victim for which punishment by fine, imprisonment or death may be imposed; or

(2) an act occurring or attempted outside the geographical boundaries of this state in another state of the United States of America which is punishable by fine, imprisonment or death and which results in personal injury or death to a citizen of this state; provided however, such citizen at the time such act was committed had a permanent place of residence within the geographical boundaries of this state, and in addition thereto:

(A) had a permanent place of employment located within the geographical boundaries of this state; or

(B) was a member of the regular Armed Forces of the United States of America; or the United States Coast Guard; or was a full-time member of the Alabama National Guard, Alabama Air National Guard, U. S. Army Reserve, U. S. Naval Reserve, U. S. Air Force Reserve; or

(C) was retired and receiving Social Security or other retirement income; or

(D) was 60 years of age or older; or

(E) was temporarily in another state of the United States of America for the purpose of receiving medical treatment; or

(F) was temporarily in another state of the United States of America for the purpose of performing employment-related duties required by an employer located within the geographical boundaries of this state as an express condition of employment or employee benefits; or

(G) was temporarily in another state of the United States of America for the purpose of receiving occupational, vocational or other job-related training or instruction required by an employer located within the geographical boundaries of this state as an express condition of employment or

employee benefits; or

(H) was a full-time student at an academic institution, college or university located in another state of the United States of America; or

(I) had not departed the geographical boundaries of this state for a period exceeding 30 days or with the intention of becoming a citizen of another state or establishing a permanent place of residence in another state.

(3) the term "criminally injurious conduct" shall NOT mean: an act committed outside the geographical boundaries of this state upon a person who was not at the time such act was committed a citizen of the State of Alabama or an act committed outside the geographical boundaries of this state upon a person who at the time such act was committed had departed the geographical boundaries of this state for the purpose of becoming a citizen of another state or for the purpose of establishing a permanent place of residence in another state, and

(4) the term "criminally injurious conduct" shall NOT mean or include:

(A) acts arising out of the negligent maintenance or use of a motor vehicle, unless the driver or operator of such vehicle was convicted of a Class A or Class B felony arising out of the operation, maintenance or use thereof;

(c) "victim" means a person who suffered personal injury or death as a result of criminally injurious conduct.

(d) "Dependent" means a natural person wholly or partially dependent upon the victim for care or support, and includes a child of the victim born after the death of the victim where the death occurred as a result of criminally injurious conduct;

(e) "Claimant" means any of the following persons applying for compensation under this act;

(1) a victim;

(2) a dependent of a decreased victim, if such victim died as a result of criminally injurious conduct; or

(3) a person authorized to act on behalf of a victim or a dependent of a decreased victim if such victim died as a result of criminally injurious conduct.

(f) "Allowance expense" means charges incurred for needed products, services and accommodations, including, but not limited to, medical care, rehabilitation, rehabilitative occupational rehabilitation, rehabilitative occupational training and other remedial treatment and care. It also includes a total charge not in excess of Two Thousand Dollars ($2,000.00) for expenses related to funeral, cremation or burial;

(g) "Work loss" means loss of income from work the victim would have performed if such person had not been injured or died, reduced by any income from substitute work actually performed by the victim or by income the victim would have earned in available appropriate substitute work which he or she was capable of performing but unreasonably failed to undertake; and

(h) "Replacement services loss" means expenses reasonably incurred in obtaining ordinary and necessary services in lieu of those the victim would have performed, not for income, but for the benefit of self or family, if the victim had not been injured or died;

(i) "Economic loss of a dependent" means a loss after the death of the victim of contributions of things of economic value to the dependent, not including services which would have been received from the victim if he or she had not suffered the fatal injury, less expenses of the dependent avoided by reason of death of the victim;

(j) "Replacement services loss of dependent" means the loss reasonably incurred by dependents after death of the victim in obtaining ordinary and necessary services in lieu of those the deceased victim would have performed for their benefit had the deceased victim not suffered the fatal injury, less expenses of the dependent avoided by reason of death of the victim and not subtracted in calculating the economic loss of the dependent;

(k) "Economic loss" means monetary detriment consisting only of allowable expense, work loss, replacement services loss and, if injury causes death, economic loss and replacement services loss of a dependent, but shall not include noneconomic loss or noneconomic detriment. "Noneconomic loss or detriment" means pain, suffering, inconvenience, physical impairment and non-pecuniary damage;

(l) "Collateral source" means: source of income, financial or other benefits or advantages for economic loss other than the commission which the claimant has received or is entitled to receive or is readily available to the claimant, from any one or more of the following:

(1) the offender;

(2) the government of the United States or any agency thereof, in the form of benefits, such as social security, medicare and medicaid, a state or any of its political subdivisions or an instrumentality or two or more states, unless the law providing for the benefits or advantages makes them excessive or secondary to benefits under this Act;

(3) any temporary nonoccupational disability insurance;

(4) workman's compensation;

(5) wage continuation programs of any employer;

(6) proceeds of a contract of insurance payable to the claimant for loss which the victim sustained because of the criminally injurious conduct; or

(7) a contract providing prepaid hospital and other health care services or benefits for disability.

Section 4. (a) There is hereby created the Alabama Crime Victims Compensation Commission, which shall be composed of three (3) citizens of the State of Alabama, who shall be appointed by the Governor with the advice and consent of the Senate, for terms of four years each or until their successors are appointed and qualified. Provided however, initial appointments shall be as follows: one member shall be appointed for two (2) years, one member shall be appointed for three (3) years and one member shall be appointed for four (4) years. All appointments to fill vacancies shall be for the duration of the unexpired term and subsequent appointments shall be for four (4) year terms. (b) At least one member shall be a law enforcement officer with a minimum of ten years experience in or with a law enforcement agency which has among its primary duties and responsibilities the investigation of violent crimes and the apprehension or arrest of the perpetrators thereof. (c) At least one member shall be a victim of a crime of violence who suffered serious personal injury as a result thereof, or a member of such victim's immediate family or a member of a deceased victim's immediate

family if such deceased victim died as a result of a crime of violence, or an officer of a non-profit, charitable crime victims organization established pursuant to the laws of Alabama. (d) Each year the Commission shall elect a chairman from its membership. (e) The Commission may appoint an executive director who shall serve at the pleasure of the Commission and shall be paid a salary in an amount to be determined by the Commission. (f) The Commission shall have its principal place of business in the county wherein the state capital is located. (g) The Commission shall hold at its principal place of business regular monthly public meetings on the second Tuesday of each month and other meetings at such times and places as its members may elect. (h) Any two (2) members of the Commission shall constitute a quorum for purposes of transacting the business of the Commission and two (2) votes in favor shall be necessary for a decision by the Commission at any meeting of the Commission. (i) From time to time the Commission shall establish rules and regulations for the administration of its duties and responsibilities pursuant to this Act. (j) The chairman of the Commission shall keep a true record of all of the proceedings of the meetings of the Commission. At the call of any member the vote on any pending question shall be taken by ayes and nayes, and the same shall be entered in such record, the record of the proceedings of the Commission shall be open to any member of the Commission and to the public at all times and a copy of such record, certified by the chairman, shall be competent evidence in all courts.

Provided however, the Commission shall decline to disclose the names and addresses of victims or claimants who have applied for compensation pursuant to the provisions of this Act or the facts or circumstances of the criminally injurious conduct perpetrated against them when such disclosure in the opinion of the Commission would jeopardize or compromise an investigation by a law enforcement agency or a grand jury into criminally injurious conduct or in any way jeopardize or compromise a prosecution for criminally injurious conduct. (k) All members and employees of the Commission handling money or exercising authority over any property shall, before entering the discharge of their duties, give bond with a surety company authorized to do business in the State of Alabama, as surety, payable to the Commission in an amount or amounts sufficient to protect the Commission against any loss with respect to the funds, money or property handled, conditioned for the faithful discharge of their duties and responsibilities and further conditioned upon their faithfully accounting for all monies, funds or properties coming into their possession in the capacity of their employment. (l) The attorney general or the district attorney of the county wherein the state capital is located shall, upon written request by the Commission represent the Commission in all litigation to which the Commission is a party or in which the Commission has an interest. The attorney general shall serve as a legal advisor to the Commission. (m) All Commission members shall be paid $30.00 per day and mileage for attendance of Commission meetings. Mileage and per diem shall be the same as allowed state employees when a Commission member is traveling on official business of the Commission and shall be paid from the Alabama Crime Victims Compensation Fund.

Section 5. (a) The Commission shall have all the powers and privileges of a corporation and all of its business shall be transacted in the name of the Commission. In addition to any other powers and duties specified elsewhere in this Act, the Commission shall have the power to:

(1) Regulate its own procedures except as otherwise provided in this act;

(2) Define any term not defined in this act;

(3) Prescribe forms necessary to carry out the purposes of this act;

(4) Request access to any reports of investigations or other data necessary to assist the Commission in making a determination of eligibility for compensation under the provisions of this act;

(5) Take judicial notice of general, technical and scientific facts within their specialized knowledge; and

(6) Publicize the availability of compensation and information regarding the filing of claims therefor;

(7) Collect all monies provided by this Act to be collected by the Commission;

(8) Provide for and maintain all necessary administrative facilities and personnel;

(9) Provide for payment of all administrative salaries, fees and expenses;

(10) Cause its monies to be invested and its investments sold or exchanged and the proceeds and income collected;

(11) Determine who is a victim or dependent;

(12) Pass upon all applications for compensation or other benefits provided for in this article;

(13) Adopt such rules and regulations as may be necessary or desirable to expedite the administration of the affairs of the Commission not inconsistent with the provisions of this Act;

(14) Provide descriptive literature respecting the Commission and its duties;

(15) Pay all compensation or other benefits that may be determined to be due under this Act and under the rules and regulations of the Commission;

(16) Employ such agents, attorneys, actuaries and other specialized personnel as shall be necessary or desirable to enable the Commission to carry on its functions in a proper and sound manner;

(17) Receive by gift, grant, devise or bequest any monies or properties of any nature or description;

(18) Carry out any powers expressly granted elsewhere in this act to the Commission; and

(19) All other powers necessary for the proper administration of the provisions of this Act.

Section 6. The Commission shall publish annually a report showing the fiscal transactions of the Commission for the proceeding year, the amount of the accumulated cash and securities of the Commission and a balance sheet showing the financial condition of the Commission by means of an actuarial evaluation of the assets and liabilities of the Commission.

Section 7. The Director of the Department of Examiners of Public Accounts shall at least once a year and at such other times as such Director shall deem appropriate cause to be performed a detailed audit of the financial affairs of the Commission and shall promptly notify the appropri-

ate Grand Jury as to any possible violations of law.

Section 8. (a) The Commission shall award compensation for economic loss arising from criminally injurious conduct if satisfied by a preponderance of the evidence that the requirements for compensation have been met. (b) The Commission shall hear and determine all matters relating to claims for compensation, and shall have the power to reinvestigate or reopen claims without regard to statutes of limitation. (c) The Commission shall have the power to subpoena witnesses, compel their attendance, require the production of records and other evidence, administer oaths or affirmations, conduct hearings and receive relevant evidence.

Section 9. The Commission shall not require any claimant to seek or accept any collateral source contribution, unless the claimant was receiving or was entitled to receive such benefits prior to the occurrence giving rise to the claim under the provisions of this act.

Section 10. (a) Every party to a claim shall be afforded an opportunity to appear and be heard and to offer evidence and argument on any issue relevant to the claim, and to examine witnesses and offer evidence in reply to any matter of an evidentiary nature in the record relevant to the claim. (b) In a contested case, all parties shall be afforded an opportunity for hearing after reasonable notice pursuant to regulations promulgated by the Commission. A record of the proceedings of the hearing in a contested case shall be made and shall be transcribed upon request of any party who shall pay transcription costs unless otherwise ordered by the Commission. (c) The Commission may, without a hearing, settle a claim by stipulation, agreed settlement, consent order or default.

Section 11. (a) Any person filing a claim under the provisions of this act shall be deemed to have waived any physician-patient privilege as to communications or records relevant to an issue of the physical, mental or emotional conditions of the claimant. (b) If the mental, physical or emotional condition of a claimant is material to a claim, the Commission upon good cause shown may order the claimant to submit to a mental or physical examination and may order an autopsy of a deceased victim. The order shall specify the time, place, manner, conditions and scope of the examination or autopsy and the person by whom it is to be made. The order shall also require the person to file with the Commission a detailed written report of the examination or autopsy. The report shall set out the findings of the person making the report, including results of all tests made, diagnoses, prognoses and other conclusions and reports of earlier examinations of the same conditions. (c) The Commission, upon request, shall furnish the victim a copy of such report. If the victim is deceased, the Commission, on request, shall furnish a copy of the report to the claimant. (d) The Commission may require the claimant to supply any additional medical or psychological reports available relating to the injury or death for which compensation is claimed.

Section 12. (a) Compensation shall not be awarded:

(1) Unless the claim has been filed with the Commission within one (1) year after the injury or death upon which the claim is based;

(2) To a claimant who was the offender, or an accomplice of the offender, or who encouraged or in any way participated in the criminally injurious conduct;

(3) If the award would unjustly benefit the offender or accomplice of the offender; or

(4) Unless the criminally injurious conduct resulting in injury or death was reported to a law enforcement officer within seventy-two (72) hours after its occurrence or the Commission finds there was good cause for the failure to report within that time.

(b) Compensation otherwise payable to a claimant shall be diminished to the extent:

(1) That the economic loss is recouped from collateral sources; or

(2) Of the degree of responsibility for the cause of the injury or death is attributable to the victim as determined by the Commission.

(c) The Commission, upon finding that the claimant or victim has not fully cooperated with appropriate law enforcement agencies, may deny, withdraw or reduce an award of compensation.

(d) The Commission, on its own motion or on request of the claimant, may reconsider a decision granting or denying an award or determining its amount. An order on reconsideration of an award shall not require a refund of amounts previously paid, unless the award was obtained by fraud. The right of reconsideration does not affect the finality of a Commission decision for the purpose of judicial review.

Section 13. Except as provided elsewhere in this Act, an award may be made whether or not any person is prosecuted or convicted. Proof of conviction of a person whose acts give rise to a claim is conclusive evidence that the crime was committed, unless an application for rehearing, an appeal of the conviction or certiorari is pending, or a rehearing or new trial has been ordered. The Commission may suspend the proceedings pending disposition of criminal prosecution that has been commenced or is imminent, but may make a tentative award under Section 13 of this act.

Section 14. (a) If compensation is awarded, the state shall be subrogated to all the rights of a claimant to receive or recover from a collateral source to the extent that compensation was awarded. (b) In the event the claimant recovers compensation, other than under the provisions of this Act, for injuries or death resulting from criminally injurious conduct, the claimant shall retain, as trustee for the Commission, so much of the recovered funds as necessary to reimburse the Alabama Crime Victims Compensation Fund to the extent that compensation was awarded to the claimant from that Fund. The funds retained in trust shall be promptly paid over to the Commission and deposited in the Alabama Crime Victims Compensation Fund. (c) If a claimant brings an action to recover damages related to the criminally injurious conduct upon which compensation is claimed or awarded, the claimant shall give the Commission written notice of the action. After receiving the notice, the Commission may join in the action as a party plaintiff to recover the compensation awarded.

Section 15. (a) Compensation for work loss, replacement services loss, dependent's economic loss and dependent's replacement service loss may not exceed Two Hundred Dollars ($200.00) per week. (b) Compensation payable to a victim and to all other claimants sustaining economic loss because of injury to or death of that victim may not exceed Ten Thousand Dollars ($10,000.00) in the aggregate. (c) The Commission may provide for the payment to a claimant in a lump sum or in installments. At the request of the claimant, the Commission may convert future economic loss, other than allowable expense, to a lump sum, but only upon a finding by the Commission of either of the following:

(1) That the award in a lump sum will promote the interests of the claimant; or

(2) That the present value of all future economic loss, other than allowable expense, does not exceed One Thousand Dollars ($1,000.00).

(d) An award payable in installments for future economic loss may be made only for a period as to which the Commission can reasonably determine future economic loss. An award payable in installments for future economic loss may be modified by the Commission upon its findings that a material and substantial change of circumstances has occurred. (e) An award shall not be subject to State or Municipal taxation or to execution, attachment, garnishment or other process, except as the same may pertain to an obligation for the support of dependent children or as the same may pertain to a creditor which has provided products, services or accommodations, the costs of which are included in the award. (f) An assignment by the claimant to any future award under the provisions of this act is unenforceable, except:

(1) An assignment of any award for work loss to assure payment of court-ordered child support; or

(2) An assignment of any award for allowable expense to the extent that the benefits are for the cost of products, services or accommodations necessitated by the injury or death on which the claim is based and are provided or to be provided by the assignee.

Section 16. (a) There is hereby established a special fund to be known as the Alabama Crime Victims Compensation Fund. (b) The said fund shall be placed under the management or administration of the Alabama Crime Victims Compensation Commission for purposes of providing compensation or other benefits to crime victims and for purposes of implementing the provisions of this Act. (c) Such fund shall consist of all monies collected or received by the Alabama Crime Victims Compensation Commission from any source, excluding funds appropriated, if any. (d) The Commission shall have such control of such funds as shall not be inconsistent with the provisions of this Act and with the laws of Alabama. (e) All monies of the Commission shall be covered into the State Treasury or deposited in a special trust account or accounts in any bank or banks in the state, each of which shall have a combined capital and surplus of not less than $2,000,000.00 and may be withdrawn therefrom by vouchers or check signed by the Chairman of the Commission pursuant to authorization given by the Commissioner. All investments of monies in the fund shall be either deposited with the state treasurer for safekeeping upon receipt of the state treasurer therefor or deposited with any such bank in a custodial account. The Commission shall have authority to expend monies in the fund in accordance with the provisions of this Act and to invest any monies so received pending other needs therefor in any investments which are legal investments for insurance companies under the laws of the state. (f) No member of the Commission shall have any interest in any such investments or receive any commission with respect thereto. (g) It shall be the duty of the Commission to keep detailed permanent records of all expenditures and disbursements from such fund. (h) The Commission is authorized to accept and use funds available to it from all sources, such as grants, appropriations, gifts, donations and other sources for purposes of implementing the provisions of this Act. (i) Counties and municipalities are authorized to make grants, appropriations, gifts, donations or other contributions to the Alabama Crime Victims Compensation Fund.

Section 17. (a) In all criminal and quasi-criminal proceedings for the violation of laws of the state or municipal ordinances including violations of the state conservation laws or regulations which are tried in any court or tribunal in this state, wherein the defendant is adjudged guilty or pleads guilty or wherein a bond is forfeited and the result of the forfeiture is a final disposition of the case or wherein any penalty is imposed, there is hereby imposed an additional cost of court in the amount of $2.00 for each traffic infraction, $10.00 in each such proceeding where the offense constitutes a misdemeanor and/or a violation of a municipal ordinance other than traffic infractions and $15.00 in each such proceeding where the offense constitutes a felony; provided, however, that there shall be no additional costs imposed for violations relating to parking of vehicles.

The amount of all such costs shall be remitted by the person or authority collecting the same to the chairman of the commission on the tenth day of each month next succeeding that in which the cost is paid. It shall be the duty of the clerk or other authority collecting the said court costs to keep accurate records of the amounts due the Commission for the benefit of the fund under this section. (b) In addition to the imposition of any other costs, penalties or fines imposed pursuant to law, any person convicted or pleading guilty to a felony involving criminally injurious conduct shall be ordered to pay a victim compensation assessment of not less than Twenty-five Dollars ($25.00), nor more than Ten Thousand Dollars ($10,000.00), for each such felony for which such person was convicted. In imposing this penalty, the court shall consider factors such as the severity of the crime, the prior criminal record, and the ability of the defendant to pay, as well as the economic impact of the victim compensation assessment on the dependents of the defendant. Such additional assessment or penalty shall be collected by the clerk of the court imposing the same and shall be promptly paid over to the Commission.

Section 18. (a) Any person who confers, offers, or agrees to confer anything of value upon a member, agent or employee of the Alabama Crime Victims Compensation Commission with the intent that such member's or agent's or employee's vote, opinion, judgment or exercise of discretion or other action in such member's or agent's or employee's official capacity will thereby be influenced shall be guilty of a Class B felony. (b) Any member, agent or employee of the Alabama Crime Victims Compensation Commission who shall solicit, accept, or agree to solicit or accept anything of value upon an agreement or understanding that such member's or agent's or employee's vote, opinion, judgment or exercise of discretion or other action as such member, agent, or employee will thereby be influenced shall be guilty of a Class B felony. (c) It shall not be a defense to a prosecution under this section that the member, agent or employee sought to be influenced was not qualified to act in the desired way because of a lack of jurisdiction or for any other reason.

Section 19. (a). A member, agent or employee of the Alabama Crime Victims Compensation Commission commits the crime of failing to disclose a conflict of interest if such member, agent or employee exercises any discretionary function in connection with a Commission contract, purchase, payment or other pecuniary transaction pertaining to the Commission without advance public disclosure of a known potential conflicting interest in the transaction. (b) A "potential conflicting interest" exists, but is not limited to, when the member, agent or employee of the Commission is a director, president, general manager or similar executive officer, or owns directly or indirectly a substantial portion of any nongovernmental entity participating in the transaction. (c) Public disclosure shall mean a public an-

nouncement and written notification to the attorney general. (d) Failing to disclose a conflict of interest is a Class C felony.

Section 20. (a) Any member, agent or employee of the Alabama Crime Victims Compensation Commission who shall knowingly make a false entry or falsely alter any Commission record; or who shall intentionally destroy, mutilate, conceal, remove or otherwise impair the verity or availability of any Commission record with the knowledge of a lack of authority to do so; or who shall possess a record of the Commission and refuse to deliver up such record upon proper request of a person lawfully entitled to receive the same shall be guilty of a Class C felony.

Section 21. (a) Any person who shall knowingly furnish any false information to the Alabama Crime Victims Compensation Commission or to any member, agent or employee thereof with the intent to defraud the said Commission; or with the intent to obtain an award of compensation for a person not entitled to receive the same shall be guilty of a Class C felony. (b) Any person who shall knowingly fail or omit to disclose a material fact or circumstance to the Alabama Crime Victims Compensation Commission or to any member, agent or employee thereof which is material to a claim for an award of compensation with the intent to defraud the Commission or with the intent to cause a person to obtain or receive an award of compensation to which such person is not entitled shall be guilty of a Class C felony.

Section 22. (a) Any person who shall knowingly obtain or exert any unauthorized control over any money or securities held on behalf of or in trust for the Alabama Crime Victims Compensation Commission with intent to deprive such Commission of such money or securities shall be guilty of a Class C felony. (b) Any person who shall knowingly obtain by deception any control over any money or securities held on behalf of or in trust for the Alabama Crime Victims Compensation Commission with intent to deprive such Commission of such money or securities shall be guilty of a Class C felony.

Section 23. Any person who shall perpetrate any criminally injurious conduct on the person of another or who shall be convicted of a felony after making application to the Alabama Crime Victims Compensation Commission for compensation shall not be eligible or entitled to receive compensation pursuant to any provision of this Act.

Section 24. The provisions of this act are severable. If any portion of this act shall be declared invalid by any court of competent jurisdiction, such declaration shall not affect the remaining portions of this act.

Section 25. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 26. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

H. 544 TEMPORARILY POSTPONED

On motion of Rep. Browder, the bill, H. 544, with pending substitute was temporarily postponed.

CO-SPONSOR ADDED

Rep. Grouby was added as co-sponsor to the bill, H. 544.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 214. To amend Section 13A-6-45 of the Code of Alabama 1975, relating to interference with custody, so as to change the penalty for such offense from a misdemeanor to a felony.

Also:

H. 630. To amend Section 32-5-215, Code of Alabama 1975, which provides for windshields on motor vehicles, so as to prohibit the use of tinted or obstructed windshields.

Also:

H. 649. To amend Sections 16-50-20 and 16-50-25, Code of Alabama 1975, relating to the appointment, terms of office and number of members of the board of trustees for Alabama State University, so as to provide further for an additional trustee from the home district and the terms of office; and to allow reappointment for a certain period.

And finds same correctly enrolled.

JOHN S. CASEY,
Chairman.

SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has reconsidered the Bill:

H. 163. To provide for the establishment of a uniform plan of health insurance for employees and, under certain conditions, retired employees of state educational institutions which provide instruction at any combination of grades K-14, exclusively, under the auspices of the state board of education; and to provide a method for funding the benefits authorized herein. To further provide that any agency covered by the Teachers' Retirement System may elect, under certain conditions, to have its employees and retired employees covered by the provisions of this act and to establish a procedure for funding the cost of coverage on account of such employees and retired employees. To provide for the creation of the Public Education Employees' Health Insurance Board, its authority, responsibilities, powers, and duties, and to provide for the terms of its members. To further provide for the types of medical/hospital coverages which may be offered under the public education employees' health insurance plan. To further provide that the board, upon certain finding, may develop a plan of self insurance.

And said Bill, H. B. 163, was again read at length and passed the Governor's objections to the contrary notwithstanding, by a vote of a majority

of the whole number elected to the Senate, said vote being: Yeas 24 Nays 6.

And said Bill, H. B. 163, together with the Governor's Message containing his objections, is herewith returned to the House.

McDOWELL LEE,
Secretary.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Browder, the rules were suspended in order to take up out of order the bill, H. 478.

And the bill:

H. 478. To provide for court ordered continuing income withholding by employers as a discretionary judicial means of enforcing restitution orders in criminal cases; to provide further that after notice and hearing such income withholding orders may also be issued for the enforcement of previously ordered restitution obligations which are delinquent; to provide further that other income or assets may be attached for the enforcement of restitution orders; to provide further that any court order requiring the withholding or attachment of assets or income may be modified or rescinded on certain conditions; to provide further for service of court orders withholding income or attaching assets; to provide further for service by certified mail, return receipt requested and for the taxing of costs of such service; to provide further that income withholding orders or orders attaching assets shall take precedence over subsequently issued garnishments or writs except as the same applies to the support of any dependent children of the defendant; to provide that no employer may discharge or refuse to hire a person solely because of such order; and to provide that any person who refuses to comply with the order may be deemed to be in contempt of court and liable to the victim for amounts not withheld; and to provide for legislative findings, policy, and judicial construction.

Was read a third time at length and passed.

Yeas 95; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Buskey, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Hettinger, Holley, Horn, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Parker, Penry, Poole, Preuitt, Rains, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Turner, Turnham, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

—95

And the bill, H. 544 and pending substitute, which was previously temporarily postponed, was again taken up.

The question was again on the adoption of the substitute reported by the Standing Committee on Judiciary, and the substitute was adopted.

Yeas 75; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Box, Brakefield, Brooks, Browder, Bryant, Campbell, Carothers, Carter, Casey, Clikas, Coburn, Coleman, Cosby, Davis, Drinkard, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Holley, Horn, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Newman, Nicholson, Penry, Poole, Preuitt, Rice, Richardson, Rogers, Seibels, Smith, Starkey, Starr, Thornton, Trammell, Turner, Turnham, Waggoner, Warren, White (F), White (L), Wilson and Wright.

—75

AMENDMENT OFFERED

Rep. Box offered the following amendment to the bill, H. 544 as amended:

Amend H. B. 544 Section 26, page 22 line seven by inserting the following:

"Section 26. This Act shall become effective 90 days following its passage and approval by the Governor or upon its otherwise becoming a law."

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 79; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Browder, Bryant, Buskey, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Holley, Horn, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kvalheim, Laird, Langford, Lauderdale, Layton, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Newman, Nicholson, Parker, Penry, Poole, Preuitt, Rains, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Starkey, Starr, Stout, Thornton, Trammell, Turner, Turnham, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

—79

And the bill, H. 544, as thus amended, was read a third time at length and passed.

Yeas 90; Nays 1.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Brakefield, Brooks, Browder, Bryant, Buskey, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drinkard, Dutton, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Holley, Horn, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, McKee, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Newman, Nicholson, Parker, Payne,

Poole, Preuitt, Rains, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

—90

Nay: Rep. Box. —1

RULE SUSPENDED

On motion of Rep. Browder, Rule 4(4) was suspended in order to transmit the bills, H. 544 and H. 478, to the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 675. To provide for the "Alabama Cogeneration Act of 1983"; to provide a statement of public policy and legislative intent underlying its enactment; to provide for the adoption of rules relating to the treatment of capacity and energy available from cogeneration facilities in Alabama consistent with the rules promulgated by the Federal Energy Regulatory Commission under Sections 201 and 210 of the Public Utility Regulatory Policies Act of 1978, ("PURPA") 16 U.S.C. § 796(17)-(22) and 16 U.S.C. § 824 a-3 (Supp. V); to provide for the authority of the Public Service Commission under this law; and to provide for the manner in which it shall become law.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Turner, the House concurred in and adopted the Senate amendment to the bill, H. 675, said Senate amendment being as follows:

Amend the substitute for H. 675 by striking Section 5 thereof and substitute in lieu thereof and adding thereto the following:

"Section 5. In order to enforce the provisions of this Act, a cogenerator who uses coal as a fuel source to produce electrical power shall purchase coal produced in the State of Alabama provided that such Alabama coal is available to the cogenerator at prices and under terms and conditions (including availability, quantity, quality and reliability of supplier) at least as favorable as coal produced outside the State of Alabama.

"Section 6. If any section, clause, provision or portion of this Act shall be held invalid or unconstitutional by any Court of competent jurisdiction, such holding shall not affect any other section, clause or provision of this Act which is not in and of itself invalid or unconstitutional.

"Section 7. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming law."

A BILL
TO BE ENTITLED
AN ACT

To provide for the "Alabama Cogeneration Act of 1983"; to provide a statement of public policy and legislative intent underlying its enactment; to provide for the adoption of rules relating to the treatment of capacity and energy available from cogeneration facilities in Alabama consistent with the rules promulgated by the Federal Energy Regulatory Commission under Sections 201 and 210 of the Public Utility Regulatory Policies Act of 1978, ("PURPA") 16 U.S.C. § 796(17)-(22) and 16 U.S.C. § 824 a-3 (Supp. V); to provide for the authority of the Public Service Commission under this law; and to provide for the manner in which it shall become law.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall be known and may be cited as the "Alabama Cogeneration Act of 1983".

Section 2. It is hereby declared to be the public policy of this state to encourage the development of cogeneration facilities to conserve energy resources and further industrial economic development in this state to the extent such encouragement is not inconsistent with the maintenance of just and reasonable electric rates to consumers of electric utilities. It is necessary for growth and job opportunities to encourage new investment in energy producing systems to remain competitive and allow for the sustained economic development of this state, consistent with just and reasonable treatment of electric consumers of this state.

Section 3. In furtherance of the policy set forth in Section 2, the rules and regulations relating to cogeneration facilities and cogenerators in the State of Alabama and the treatment of such facilities and cogenerators with respect to the capacity and energy produced in such facilities shall be governed by the applicable provisions of the regulations relating thereto which have been promulgated as of July 6, 1983 by the Federal Energy Regulatory Commission under Sections 201 and 210 of the Public Utility Regulatory Policies Act of 1978, ("PURPA"), 16 U.S.C. § 796(17)-(22) and 16 U.S.C. § 824 a-3 (Supp. V); such regulations being embodied in 18 Code of Federal Regulations Sections 292.101 through 292.602. Said regulations are incorporated by reference as if fully set out herein. A copy of said regulations, as compiled and published in 18 Code of Federal Regulations Part 292 as of July 6, 1983 and incorporated in a volume entitled "Regulations Relating to Cogeneration Facilities Adopted for the State of Alabama", shall be maintained by the Secretary of the Alabama Public Service Commission.

Section 4. The Alabama Public Service Commission ("the Commission") is hereby authorized and directed to take all necessary steps to implement the provisions of this Act as it affects utilities already subject to the jurisdiction of the Commission and to promulgate rules and regulations consistent with the provisions hereof. Any such rule or regulation promulgated under the Act shall be adopted pursuant to a determination by the Commission, supported by substantial evidence, that such rule or regulation is in the public interest and shall be just and reasonable to the electric consumers of any electric utility affected. Any cogenerator or electric utility may petition the Commission for appropriate relief under this Act, and the Commission will act on any such petition within 180 days. Any cogenerator or electric utility may petition the Commission for approval of a contract between them, which approval will be granted within 60 days of such petition unless the contract is clearly contrary to the policy and purposes of this

Act or is otherwise unlawful. Payments required to be made by a utility to a cogenerator pursuant to any contract approved under this Act, or pursuant to other relief afforded under this Act, shall be afforded appropriate treatment by the Commission to assure full and expedient recovery in the rates charged by the utility which are subject to the Commission's jurisdiction. If the Commission action on any petition is inconsistent with the provisions of this Act, or is otherwise unlawful, the petitioner or any party to the proceedings may bring an action within 30 days after the date of the Commission order or the expiration of the applicable 60 or 180-day period, in the Circuit Court of Montgomery County, Alabama, to seek appropriate relief consistent with the policy, purposes and provisions of this Act.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming law.

Yeas 89; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Biddle, Blake, Blakeney, Bowling, Box, Brakefield, Brooks, Bryant, Buskey, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drinkard, Dutton, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Holley, Horn, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Newman, Nicholson, Parker, Payne, Poole, Preuitt, Rains, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

—89

And the bill, H. 675 as thus amended, was again read at length and passed.

Yeas 91; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Biddle, Blake, Blakeney, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Holley, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, McKee, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Newman, Nicholson, Parker, Payne, Poole, Preuitt, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

—91

RESOLUTION

The following resolution was introduced:

By Rep. Johnson (Roy):

H. R. 434. PRAISING REPRESENTATIVE J. E. TURNER FOR HIS EFFORTS IN PASSING H. B. 675, AND NAMING H. B. 675 THE J. E. TURNER INDUSTRIAL DEVELOPMENT ACT.

WHEREAS, our esteemed colleague, J. E. Turner, worked diligently and tirelessly for the passage of House Bill 675, the co-generation bill; and

WHEREAS, because of J. E.'s efforts, industry will be attracted to Alabama, thus creating jobs for countless Alabamians; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE ALABAMA LEGISLATURE, That we commend Representative J. E. Turner for his leadership in the passage of H. B. 675 and that we hereby rename H. B. 675 The J. E. Turner Industrial Development Act.

RESOLVED FURTHER, That Representative Turner receive a copy of this resolution.

On motion of Rep. Johnson (Roy), the rules were suspended and the resolution, H. R. 434, was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 575. To amend Section 25-5-50, Code of Alabama 1975, which provides for exemptions from coverage under Workmen's Compensation, so as to provide that corporate officers may elect to be exempt from coverage.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Smith, the House concurred in and adopted the Senate amendment to the bill, H. 575, said Senate amendment being as follows:

Amend House Amendment on page 1 line 6 by deleting the number "32" and adding in lieu of the number "31".

Yeas 73; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Biddle, Blake, Blakeney, Bowling, Box, Bryant, Carothers, Carter, Casey, Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Holley, Horn, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, McKee, Mathis, Melton, Minus, Mitchell, Moore, Newman, Nicholson, Parker, Poole, Preuitt, Rains, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Starkey, Starr, Stout, Thornton, Trammell, Turner, Turnham, Venable, Warren, White (L), Williams, Wilson, Wright and Zoghby.

—73

And the bill, H. 575 as thus amended, was again read at length and

passed.

Yeas 81; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brooks, Browder, Bryant, Carothers, Casey, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Holley, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, McKee, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Parker, Poole, Preuitt, Rains, Rice, Richardson, Rogers, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Turner, Turnham, Venable, Waggoner, Warren, White (L), Williams, Wilson, Wright and Zoghby.

—81

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 421. To amend Section 34-8A-7, Code of Alabama 1975, relating to qualifications for professional counselors, so as to further provide therefor, and to repeal Section 34-8A-23, Code of Alabama 1975, which relates to same.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Stout, the House concurred in and adopted the Senate amendment to the bill, H. 421, said Senate amendment being as follows:

A BILL
TO BE ENTITLED
AN ACT

To amend Section 34-8A-23, Code of Alabama 1975, which provides for the waiver of examinations by the board of examiners in counseling, so as to provide further for said waiver.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 34-8A-23, Code of Alabama 1975, is hereby amended to read as follows:

"§ 34-8A-23.

"For a period of one year from the passage of this Act, the board shall waive the requirements of Sections (7) and (8) of section 34-8A-7, and shall grant the appropriate license upon payment of the required fee to any person submitting an application for licensure and proof of practice to the board who is qualified by experience to practice counseling, and who was engaged in such private practice of counseling as of July 18, 1979 in Alabama. Proof of private practice shall be verified by a valid business license in force on or before July 18, 1979 and financial documents which clearly indicate that a fee, monetary or otherwise, was charged for counseling services rendered.

The board of examiners in counseling shall be required to provide at least one legal notice of these provisions in the daily newspapers of this state.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Yeas 81; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brooks, Browder, Bryant, Buskey, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Dutton, Faulk, Flowers, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Holley, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, McKee, Mathis, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Parker, Payne, Poole, Preuitt, Rice, Richardson, Rogers, Sasser, Smith, Starkey, Starr, Thomas, Thornton, Trammell, Turner, Turnham, Venable, Waggoner, Warren, White (L), Williams, Wilson, Wright and Zoghby.

—81

And the bill:

H. 421. To amend Section 34-8A-23, Code of Alabama 1975, which provides for the waiver of examinations by the board of examiners in counseling, so as to provide further for said waiver.

As thus amended, was again read at length and passed.

Yeas 87; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brooks, Browder, Bryant, Buskey, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Dutton, Faulk, Flowers, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Holley, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, McKee, Martin, Mathis, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Parker, Payne, Poole, Preuitt, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

—87

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 126. To require the Commissioner of Labor to establish procedures to aid workers adversely affected by the closing of or substantial lay-off at an industry, so as to provide for the least economic disruption to such work-

ers and their creditors.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Albright, the House concurred in and adopted the Senate amendment to the bill, H. 126, said Senate amendment being as follows:

A BILL
TO BE ENTITLED
AN ACT

To require the Commissioner of Labor to establish procedures to aid workers adversely affected by the closing of or substantial lay-off at an industry, so as to provide for the least economic disruption to such workers and their creditors.

Be It Enacted by the Legislature of Alabama:

Section One. In order to assist employees who become unemployed or underemployed as the result of a substantial lay-off at or the closing of any plant or industry in Alabama, the Commissioner of Labor is hereby directed to establish a procedure to provide such unemployed or underemployed employees with seminars concerning their legal rights and responsibilities regarding their debts, to provide written material which deals with these problems and offers appropriate suggestions to such workers and to meet with management at such plants or industries and with labor organizations or other organizations including such employees in an attempt to minimize the financial burden on such employees.

Section Two. The Commissioner of Labor is authorized to assist and organize co-operative efforts of such employees or groups to which such employees belong in an effort to minimize the adverse impact of such plant or industry layoff or closing upon such employees and the Commissioner of Labor is further directed and authorized, to the extent he deems advisable, to engage in whatever other acts or agreements which are appropriate to assist financially such employees and groups made up of such employees, provided that the Commissioner of Labor is not authorized to require any employer or employee group to involuntarily contribute to a fund or involuntarily take any other action towards such a goal.

Section Three. If deemed advisable by the Commissioner of Labor, the Commissioner of Labor shall assist a plant or industry which closes or has a substantial layoff in endeavoring to communicate with the creditors of its unemployed workers concerning the financial difficulty caused to its ex-employees by such layoff or closing. If there is a substantial layoff at a plant or industry or if there is a closing of a plant or industry and if a state chartered credit union includes within its field of membership the employees of such plant or industry, then the Board of Directors of such state chartered credit union shall determine whether such layoff or closing has adversely affected the credit union. If the Board of Directors determines that such layoff or closing has adversely affected the credit union, then such credit union may include within its field of membership persons residing in the general geographic areas surrounding the plants or industries served by such credit union. Any such expansion of the field of membership of such credit union shall not be denied or restricted by any provisions of the law of Alabama heretofore enacted. Any such credit union shall endeavor to assist

all such unemployed members by granting them extended periods within which to pay indebtedness owed to the credit union, to the extent deemed advisable by its Board of Directors.

Section Four. In order to stabilize the share and deposit base of credit unions which may or could be affected by plant or industry closings or by substantial lay-offs, any credit union which includes in its field of membership employees of any particular company or companies shall be authorized to accept shares and deposits from such company or companies, subject to such terms and conditions as the Board of Directors of the Credit Union may establish, and such company or companies may become a member of the Credit Union, subject to such terms and conditions as the Board of Directors of the credit union may establish.

Section Five. The Commissioner of Labor is further directed and authorized to issue regulations, to the extent he deems advisable, concerning the instances in which employees at plants or industries which have been closed or have been the subject of substantial lay-offs and organizations which include employees of such plants or industries may make appropriate disclosures of the financial situation of such employees and may assist the creditors of such workers in locating them and in arranging voluntary payment plans for their debts; provided however that nothing contained in this Act shall be construed so as to authorize any activity which violates any federal act or regulation.

Section Six. All laws or parts of laws which conflict with this Act are hereby repealed.

Section Seven. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section Eight. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Yeas 82; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Bryant, Buskey, Carothers, Carter, Casey, Clark, Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Freeman, Gaston, Goodwin, Grimsley, Hall, Hammett, Harper, Holley, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, McKee, McMillan, Mathis, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Parker, Penry, Poole, Preuitt, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Stout, Thomas, Thornton, Trammell, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

—82

And the bill, H. 126 as thus amended, was again read at length and passed.

Yeas 84; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Biddle, Blake, Blakeney, Boles,

Bowling, Box, Brooks, Browder, Bryant, Buskey, Campbell, Carothers, Carter, Casey, Clark, Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Freeman, Gaston, Goodwin, Grimsley, Hall, Hammett, Harper, Hettinger, Holley, Horn, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Layton, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Parker, Penry, Poole, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Stout, Thomas, Thornton, Trammell, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

—84

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 85. Relating to Jefferson County; authorizing the sheriff to employ an executive assistant and repealing Act No. 681, H. 505, 1977 Regular Session (Acts 1977, p. 1181).

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Waggoner, the House concurred in and adopted the Senate amendment to the bill, H. 85, said Senate amendment being as follows:

A BILL
TO BE ENTITLED
AN ACT

Relating to Jefferson County; to repeal Section 2 of Act 681, H. 505, 1977 Regular Session, relating to the duties of the executive assistant to the sheriff and granting said assistant an expense allowance.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 2 of Act 681, H. 505, 1977 Regular Session (Acts 1977, p. 1181), relating to the duties of the executive assistant to the sheriff of Jefferson County is hereby repealed.

Section 2. The executive assistant to the sheriff shall receive an expense allowance in such an amount so that the total compensation paid said assistant including salary, expense allowance, and all other emoluments shall be $30,000. Beginning with the next term of office of said assistant, said expense allowance shall convert to a portion of the assistant's salary.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Yeas 81; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brooks, Browder, Bryant, Buskey, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Lauderdale, Layton, McKee, McMillan, Manley, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Parker, Payne, Poole, Preuitt, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Stout, Thornton, Trammell, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wright and Zoghby.

—81

And the bill:

H. 85. Relating to Jefferson County; to repeal Section 2 of Act 681, H. 505, 1977 Regular Session, relating to the duties of the executive assistant to the sheriff and granting said assistant an expense allowance.

As thus amended, was again read at length and passed.

Yeas 83; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brooks, Browder, Bryant, Buskey, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Horn, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Langford, Lauderdale, Layton, McMillan, Manley, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Parker, Payne, Penry, Poole, Preuitt, Rice, Richardson, Rogers, Sasser, Scott, Smith, Starkey, Starr, Thornton, Trammell, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

—83

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 725. Relating to the City of Alexander City in Tallapoosa County; authorizing the City of Alexander City to establish, purchase, construct, maintain, lease and operate a television cable system and to furnish television cable and auxiliary service to the residents of the town and to customers of the said board and in surrounding territory; prescribing its powers in connection therewith; authorizing and regulating the issuance and security of bonds and other evidences of indebtedness by such board in connection with such systems; providing for the payment of such bonds and other evidences of indebtedness and the rights of the holders thereof; and exempting the utilities board transacting business pursuant to this act from the jurisdiction and control of the Alabama Public Service Commission.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. White (L), the House concurred in and adopted the Senate amendment to the bill, H. 725, said Senate amendment being as follows:

Amend H. B. 725, page 3, line 35 thru page 4, line 16 by striking Section 5 in its entirety, and re-numbering subsequent sections.

Further amend H. B. 725, page 4, line 22 by striking the "comma" after the word "act" and deleting the words "other than as set forth in Section 5 above,"

Yeas 80; Nays 0.

Yeas:

Mr. Speaker, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Freeman, Gaston, Goodwin, Grimsley, Hall, Hammett, Harper, Hettinger, Holley, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Langford, Lauderdale, Layton, McKee, McMillan, Mathis, Melton, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Parker, Poole, Preuitt, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Stout, Thomas, Thornton, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

—80

And the bill, H. 725 as thus amended, was again read at length and passed.

Yeas 81; Nays 0.

Yeas:

Mr. Speaker, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Hettinger, Horn, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Langford, Lauderdale, Layton, McKee, McMillan, Martin, Mathis, Melton, Moore, Murphy, Nevett, Newman, Nicholson, Parker, Poole, Preuitt, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Stout, Thomas, Thornton, Trammell, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wright and Zoghby.

—81

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 53. Relating to Colbert County; providing further for the distribution of the beer taxes levied by Act No. 82-344, H. 165, 1982 Regular

Session.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Goodwin, the House concurred in and adopted the Senate amendment to the bill, H. 53, said Senate amendment being as follows:

A BILL
TO BE ENTITLED
AN ACT

Relating to Colbert County; providing further for the distribution of the beer taxes levied by Act No. 82-344, H. 165, 1982 Regular Session.

Be It Enacted by the Legislature of Alabama:

Section 1. Any law to the contrary notwithstanding, in Colbert County, the proceeds of the beer tax collected pursuant to Act No. 82-344, H. 165, 1982 Regular Session shall be distributed as follows: One cent per twelve (12) fluid ounces or fractional part thereof on all beer sold, within the county shall be paid to the probate judge and the proceeds shall be distributed by him as follows:

Two-fifths (2/5ths) to the hospital fund of the county;

One-tenth (1/10th) to the county board of education for the benefit of the schools outside of the cities of Sheffield, Tuscumbia, and Muscle Shoals;

One-tenth (1/10th) to the Sheffield board of education for the benefit of the schools of Sheffield;

One-tenth (1/10th) to the Tuscumbia Board of Education for the benefit of the schools of the City of Tuscumbia;

One-tenth (1/10th) to the Muscle Shoals Board of Education for the benefit of the schools of Muscle Shoals;

And, one-fifth (1/5th) to the general fund of the county. For such services, the probate judge shall be entitled to commissions of two and one-half percent (2 ½ %) of all taxes collected. Effective January 1, 1985, in lieu of the probate judge, the county commission shall distribute taxes collected without any commission.

The remainder of the tax shall be paid to the municipalities where sold.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Yeas 85; Nays 0.

Yeas:

Mr. Speaker, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Freeman, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Hettinger, Howard, Johnson (A.L.), Johnson (R.G.), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, McKee, McMillan, Manley, Mathis, Melton, Minus, Moore, Murphy, Nevett, Newman, Nicholson, Parker, Poole, Preuitt, Richardson,

Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

—85

And the bill, H. 53 as thus amended, was again read at length and passed.

Yeas 93; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus, Moore, Murphy, Nevett, Newman, Nicholson, Parker, Poole, Preuitt, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

—93

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 517. To amend Section 32-9-1 and 32-9-20, Code of Alabama 1975, relating to motor vehicle sizes and weights so as to further regulate the sizes and weights of motor vehicles on highways in Alabama; to provide for compliance with federal laws regulating same; and to further regulate exceptions and exemptions.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Buskey, the House concurred in and adopted the Senate amendment to the bill, H. 517, said Senate amendment being as follows:

Amend H. B. 517, Section 1, page 1, lines 24 through 32, by deleting the following:

Trailers, when used in a truck tractor-semitrailer-trailer combination may be operated on the national system of interstate and defense highways, all highways with four or more lanes, and all two-lane primary highways of this state except those demonstrated by the Highway Director to be unsafe for this equipment. The Highway Director shall, as a minimum, designate those highways necessary to cause the State of Alabama to be in compliance with Federal Laws.

and insert in lieu thereof the following:

"Trailers, when used in a truck tractor-semitrailer-trailer combination

may be operated on the national system of interstate and defense highways, highways with four or more lanes and other highways designated by the Highway Director. The Highway Director shall, as a minimum, designate those highways necessary to cause the State of Alabama to be in compliance with Federal Laws. Additionally, the Highway Director shall designate such highways of this state as may be necessary for use of twin trailers when such highways are needed for the delivery of twin trailers manufactured by Alabama firms."

Further amend Section 2, subsection (1), page 2, line 35, after the word and figures, "fenders.", by inserting the following:

"No vehicle hauling forest products or culvert pipe on any highway in this state shall have a load exceeding 102 inches in width."

Yeas 89; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Campbell, Carothers, Carter, Casey, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Hettinger, Holley, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, McKee, McMillan, Manley, Martin, Mathis, Minus, Mitchell, Moore, Nevett, Newman, Nicholson, Parker, Penry, Poole, Preuitt, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Turner, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

—89

And the bill, H. 517 as thus amended, was again read at length and passed.

Yeas 91; Nays 0.

Yeas:

Mr. Speaker, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Carothers, Carter, Casey, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Parker, Penry, Poole, Preuitt, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Turner, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

—91

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed

the following House Bill and returns same herewith to the House:

H. 38. Relating to Washington County; providing certain expense allowances retroactive to January 1, 1983, for the judge of probate, the members of the county commission, the tax assessor, the tax collector, the district judge of said county in addition to any expense allowances now being received by such officials and providing that at the beginning of their next terms of office such allowances shall be incorporated into the base salaries of all of the aforementioned officials except the district judge.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Turner, the House concurred in and adopted the Senate amendment to the bill, H. 38, said Senate amendment being as follows:

A BILL
TO BE ENTITLED
AN ACT

Relating to Washington County; providing certain expense allowances retroactive to January 1, 1983, for the judge of probate, the members of the county commission, the tax assessor, the tax collector, the district judge and the circuit clerk of said county in addition to any expense allowances now being received by such officials and providing that at the beginning of their next terms of office such allowances shall be incorporated into the base salaries of all of the aforementioned officials except the district judge and the circuit clerk.

Be It Enacted by the Legislature of Alabama:

Section 1. In Washington County, Alabama, the judge of probate, the members of the county commission, the tax assessor, the tax collector, the district judge and the circuit clerk shall be entitled to additional expense allowances retroactive to January 1, 1983, as follows: The judge of probate shall be entitled to an expense allowance of $325 per month; each member of the county commission shall be entitled to an expense allowance of $385 per month; such tax assessor and tax collector shall each be entitled to an expense allowance of $335 per month; such district judge shall be entitled to an expense allowance of $200 per month; and such circuit clerk shall be entitled to an expense allowance of $200 per month.

Section 2. At the beginning of the next term of office for the judge of probate, the tax assessor, the tax collector and the members of the county commission, the additional expense allowances herein provided for such officials shall be incorporated into their base salaries which shall be paid to them in lieu of these expense allowances; provided, however, that this proviso shall not affect the district judge or the circuit clerk, each of whom shall continue to receive the expense allowances herein provided for in addition to their salaries.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Yeas 85; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Hettinger, Holley, Horn, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, McKee, McMillan, Manley, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Nicholson, Parker, Penry, Poole, Preuitt, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Thomas, Thornton, Trammell, Turner, Venable, Waggoner, Warren, White (F), White (L), Wilson, Wright and Zoghby.

—85

And the bill:

H. 38. Relating to Washington County; providing certain expense allowances retroactive to January 1, 1983, for the judge of probate, the members of the county commission, the tax assessor, the tax collector, the district judge and the circuit clerk of said county in addition to any expense allowances now being received by such officials and providing that at the beginning of their next terms of office such allowances shall be incorporated into the base salaries of all of the aforementioned officials except the district judge and the circuit clerk.

As thus amended, was again read at length and passed.

Yeas 90; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Campbell, Carothers, Carter, Casey, Clark, Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Horn, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Parker, Penry, Poole, Preuitt, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Turner, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

—90

MOTION TO SUSPEND RULES

Rep. Smith offered the motion to suspend the rules in order to take up out of order the bill, H. 387.

SUBSTITUTE MOTION ADOPTED

The substitute motion offered by Rep. Manley that the House adjourn until 10:00 o'clock a.m., Friday, July 22, 1983, was adopted.

Yeas 63; Nays 26.

Yeas:

Reps.: Adams, Ashley, Bennett, Boles, Bowling, Box, Brakefield, Brooks, Browder, Buskey, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Davis, Dutton, Escott, Faulk, Flowers, Gaston, Goodwin, Grimsley, Hammett, Harvey, Horn, Howard, Johnson (R.G.), Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, McKee, Manley, Martin, Mathis, Melton, Minus, Murphy, Nevett, Newman, Preuitt, Rains, Rice, Richardson, Rogers, Scott, Starkey, Starr, Thomas, Thornton, Turnham, Waggoner, Warren, White (F), White (L), Williams, Wilson and Wright.

—63

Nays:

Mr. Speaker, Blake, Blakeney, Coleman, Crow, Freeman, Grouby, Hall, Hettinger, Holley, Johnson (A.L.), Johnson (Roy), Lewis, McMillan, Moore, Nicholson, Parker, Payne, Penry, Poole, Seibels, Smith, Trammell, Turner, Venable and Zoghby.

—26

PERMISSION GRANTED

Permission was granted for the Journal to show that Rep. Penry would have voted "Yea" on the bill, H. 675, had he been in the Chamber at the time of voting.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 20. To authorize the Alabama State Board of Chiropractic Examiners to establish a preceptorship and extern program whereby chiropractic students enrolled in their last year at Board approved chiropractic colleges accredited by the Council of Chiropractic Education and recent chiropractic graduates of such colleges may be issued a limited license to practice chiropractic under the on premises supervision of a sponsor licensed to practice chiropractic in the state of Alabama, and in the case of chiropractic students, under the direct supervision of the college; to provide that the limited license shall expire immediately upon the Board issuing the results of the first licensure examination after the limited licensee's graduation; limits the program to one limited license student or graduate to one sponsor licensed to practice chiropractic; to empower the Board to establish rules and regulations for the implementation of this act.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 55. To provide for the payment by any gas system operated by any investor-owned company, county, municipality, or public gas district which comes under the supervision of the Alabama Public Service Commission for

the purpose of enforcing the Natural Gas Pipeline Safety requirements of Section 37-4-80, et sequence, Code of Alabama 1975 of a fee of $.50 per active service line per year for each active service line in said system.

McDOWELL LEE,
Secretary.

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House Bills and House Joint Resolutions hereinafter mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 11:50 A.M. on July 14, 1983.

H. 280

H. 281

H. 446

H. 457

H. 142

Delivered to the Governor at 1:00 P.M. on July 14, 1983.

H. 163

Delivered to the Governor at 2:21 P.M. on July 14, 1983.

H. J. R. 404

H. J. R. 405

H. J. R. 406

H. J. R. 408

H. J. R. 415

H. J. R. 416

H. J. R. 407

Delivered to the Governor at 3:15 P.M. on July 14, 1983.

H. 527

H. 528

H. 609

H. 638

H. 639

H. 640

H. 790

Delivered to the Governor at 4:15 P.M. on July 14, 1983.

H. 13

H. 29

H. 30

H. 31

H. 39

H. 119

H. 120

H. 131

H. 132

H. 135

H. 335

H. 346

H. 451

H. 504

H. 519

H. 520

H. 641

H. 688

H. 689

H. 733

H. 748

H. 755

H. 772

H. 773

H. 820

H. 821

H. 187

H. 21

H. 798

Delivered to the Governor at 6:00 P.M. on July 14, 1983.

H. 214

H. 630

H. 649

JOHN W. PEMBERTON,
Clerk.

CERTIFICATE OF CLERK

I hereby certify that the House Bill hereinafter mentioned was delivered to the Secretary of State on the date and hour named and that I hold the receipt of the Secretary of State for same.

Delivered to the Secretary of State at 9:55 A.M. on July 15, 1983.

H. 163 (Gov's objections to the contrary notwithstanding)

JOHN W. PEMBERTON,
Clerk.

ADJOURNMENT

On substitute motion offered by Rep. Manley and previously adopted and pursuant to the resolution, H. R. 419, heretofore adopted, the House adjourned until 10:00 a.m., Friday, July 22, 1983.

TWENTY-EIGHTH DAY

House of Representatives
Montgomery, Alabama
Friday, July 22, 1983

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Rev. J. W. Shaw, Pastor, West End Baptist Church, Clanton, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

—104

A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the twenty-seventh legislative day and finds the same to be correct.

JOHN CASEY,
Chairman.

On motion of Rep. Casey, the rules were suspended and the reading at length of the Journal of the House for the twenty-seventh legislative day was dispensed with and the Standing Committee on Rules was concurred in and adopted, and the Journal for the twenty-seventh legislative day was approved.

NOTICE IN WRITING

Rep. Minus filed the following Notice in Writing:

Having voted on the prevailing side by which H. B. 553 passed the House, I now move to reconsider the vote by which said bill passed and further move to direct the Clerk of the House to request that the Senate return H. B. 553 to the House.

RESOLUTIONS

The following resolutions were introduced:

By Rep. Johnson (Roy):

H. R. 435. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That when we adjourn today, Friday, July 22, 1983, we adjourn to meet again on Monday, July 25, 1983, at 10:00 A.M.

On motion of Rep. Johnson (Roy), the rules were suspended and the resolution, H. R. 435, was adopted.

Also:

By Rules Committee:

H. R. 436. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That the following business in the order named be made the special and paramount order of business July 22, 1983, taking precedence over any other business of the House.

Report of Standing Committees

Introduction of Bills and Resolutions

Uncontested Local Bills

Unfinished Business

And the Following Bills:

By Mr. Mitchell:

S. 192 p. 57-S National Guard, defense counsel

By Mr. Mitchell:

S. 191 p. 57-S National Guard, indemnification

By Mr. Sasser:

H. 491 p. 153 Probate office, instrument

By Mr. Aldridge:

S. 468 p. 26-S Civil actions, coal severance

By Mr. Johnson (Roy):

H. 868 p. 30-S Juvenile Court

By Mr. Keener:

S. 208 p. 22-S Registration fees, motor carriers

By Mr. Mitchell:

S. 97 p. 45-S Agriculture, security agreements

By Mr. Denton:

S. 188 p. 63-S Supernumerary officials

By Mr. Parsons:

S. 210 p. 154 Primary elections

By Mr. deGraffenried:

S. 227 p. 17-S Preretirement death benefits

By Mr. Denton:

S. 239 p. 23-S PSC members

By Mr. Bailey:

S. 233 p. 18-S Instructional materials, schools

By Mr. Martin:

H. 230 p. 79 Good Samaritan Law

By Mr. Harrison:

S. 69 p. 15-S Mileage, state business

By Mr. Smith (J):

S. 90 p. 48-S Refunding of warrants

By Mr. Dixon:

S. 299 p. 66-S Personal leave, teachers

By Mr. Mitchem:

S. 63 p. 19-S Gas districts

By Mr. Martin:

H. 180 p. 11-S Municipal elections

By Mr. Johnson (Roy):

H. 807 p. 136 Ala. Medicaid Agency

By Mr. Keener:

S. 89 p. 52-S Rights-of-way acquisition

By Mr. Clikas:

H. 665 p. 98 Ala. Small Business Assistance Corp

On motion of Rep. Casey, the resolution, H. R. 436, was adopted.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has ex-

amined the following House Bills, to-wit:

H. 20. To authorize the Alabama State Board of Chiropractic Examiners to establish a preceptorship and extern program whereby chiropractic students enrolled in their last year at Board approved chiropractic colleges accredited by the Council of Chiropractic Education and recent chiropractic graduates of such colleges may be issued a limited license to practice chiropractic under the on premises supervision of a sponsor licensed to practice chiropractic in the state of Alabama, and in the case of chiropractic students, under the direct supervision of the college; to provide that the limited license shall expire immediately upon the Board issuing the results of the first licensure examination after the limited licensee's graduation; limits the program to one limited license student or graduate to one sponsor licensed to practice chiropractic; to empower the Board to establish rules and regulations for the implementation of this act.

Also:

H. 38. Relating to Washington County; providing certain expense allowances retroactive to January 1, 1983, for the judge of probate, the members of the county commission, the tax assessor, the tax collector, the district judge and the circuit clerk of said county in addition to any expense allowances now being received by such officials and providing that at the beginning of their next terms of office such allowances shall be incorporated into the base salaries of all of the aforementioned officials except the district judge and the circuit clerk.

Also:

H. 53. Relating to Colbert County; providing further for the distribution of the beer taxes levied by Act No. 82-344, H. 165, 1982 Regular Session.

Also:

H. 55. To provide for the payment by any gas system operated by any investor-owned company, county, municipality, or public gas district which comes under the supervision of the Alabama Public Service Commission for the purpose of enforcing the Natural Gas Pipeline Safety requirements of Section 37-4-80, et sequence, Code of Alabama 1975 of a fee of $.50 per active service line per year for each active service line in said system.

Also:

H. 85. Relating to Jefferson County; to repeal Section 2 of Act 681, H. 505, 1977 Regular Session, relating to the duties of the executive assistant to the sheriff and granting said assistant an expense allowance.

Also:

H. 126. To require the Commissioner of Labor to establish procedures to aid workers adversely affected by the closing of or substantial lay-off at an industry, so as to provide for the least economic disruption to such workers and their creditors.

Also:

H. 421. To amend Section 34-8A-23, Code of Alabama 1975, which provides for the waiver of examinations by the board of examiners in counseling, so as to provide further for said waiver.

Also:

H. 517. To amend Section 32-9-1 and 32-9-20, Code of Alabama 1975, relating to motor vehicle sizes and weights so as to further regulate the sizes and weights of motor vehicles on highways in Alabama; to provide for compliance with federal laws regulating same; and to further regulate exceptions and exemptions.

Also:

H. 575. To amend Section 25-5-50, Code of Alabama 1975, which provides for exemptions from coverage under Workmen's Compensation, so as to provide that corporate officers may elect to be exempt from coverage.

And finds same correctly enrolled.

JOHN S. CASEY,
Chairman.

SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 675. To provide for the "Alabama Cogeneration Act of 1983"; to provide a statement of public policy and legislative intent underlying its enactment; to provide for the adoption of rules relating to the treatment of capacity and energy available from cogeneration facilities in Alabama consistent with the rules promulgated by the Federal Energy Regulatory Commission under Sections 201 and 210 of the Public Utility Regulatory Policies Act of 1978, ("PURPA") 16 U.S.C. § 796(17)-(22) and 16 U.S.C. § 824 a-3 (Supp. V); to provide for the authority of the Public Service Commission under this law; and to provide for the manner in which it shall become law.

Also:

H. 725. Relating to the City of Alexander City in Tallapoosa County; authorizing the City of Alexander City to establish, purchase, construct, maintain, lease and operate a television cable system and to furnish television cable and auxiliary service to the residents of the town and to customers of the said board and in surrounding territory; prescribing its powers in connection therewith; authorizing and regulating the issuance and security of bonds and other evidences of indebtedness by such board in connection with such systems; providing for the payment of such bonds and other evidences of indebtedness and the rights of the holders thereof; and exempting the utilities board transacting business pursuant to this act from the jurisdiction and control of the Alabama Public Service Commission.

And finds same correctly enrolled.

JOHN S. CASEY,
Chairman.

SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

BILLS ON SECOND READING

Rep. Blake, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report with substitute, and it was read a second time and placed on the Calendar, to-wit:

S. 408. (With Substitute): To amend Sections 12-19-90, 7-9-403, 7-9-404, 7-9-405, 7-9-406, 7-9-407, 9-11-37, 9-11-47, 9-11-55, 9-11-56, 33-5-10, 33-5-17, 40-12-2, 40-12-15 and 40-12-22, Code of Alabama, 1975, which relate to the fees and charges for services rendered in the probate offices of this state, so as to provide further for the fees and charges for services rendered in such offices.

Rep. Blake, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 289. To provide for and regulate through licensure and registration the business of selling or leasing of timesharing vacation facilities; to place certain duties on the Real Estate Commission and the Attorney General or the District Attorney of any county of the State of Alabama; and to provide penalties for violations of this act or rules, regulations, and orders issued under the authority thereof.

S. 362. To amend Sections 41-7-1 and 41-7-5, Code of Alabama 1975, which established the bureau of publicity and information, so as to change the name to the bureau of tourism and travel.

S. 404. To amend Sections 11-91-1 through 11-91-7, Code of Alabama 1975, relating to group life, health and accident insurance plans for officers and employees of municipalities and counties, so as to clarify which officers and employees and their dependents and their dependent survivors or any of them or all of them should be included in such insurance plans; to supersede Act No. 716, H. 1342, 1977 Regular Session (Acts 1977, p. 1258) relating to hospitalization insurance for certain retired employees of municipalities having populations of 250,000 or more; and to repeal all laws or parts of laws in conflict herewith.

S. 432. To amend Section 36-26-17, Code of Alabama, 1975, as amended, to provide that if a department head appointed by the Governor has served in that position six or more years and a merit system position becomes available in that department, he may be appointed to that position by the Governor if he meets the qualifications for the applicable State merit system classification. He shall have State merit system status and be entitled to all of the benefits of the State merit system.

Rep. Biddle, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 129. To authorize the State Health Department to establish regional training programs for persons interested in qualifying to perform soil percolation tests and soil borings. Further authorizing the Health Department to charge necessary registration fees for attending the course, to help offset any expenses. To further authorize members of the County Health Departments to assist in performing tests and to charge a fee to recover the actual expenses incurred.

S. 226. To prescribe certain qualifications for persons representing themselves to the public as dietitians, nutritionists or registered dietitians or other similar titles; and to prescribe penalties for violations of this Act.

Rep. Carter, Chairman of the Standing Committee on Natural Resources, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report with amendment, and it was read a second time and placed on the Calendar, to-wit:

S. 276. (With Amendment): To amend Sections 9-11-55 and 9-11-56 of the Code of Alabama 1975, which provides for nonresident annual and trip fishing licenses, so as to provide further for the fees for such licenses.

Rep. Carter, Chairman of the Standing Committee on Natural Resources, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 539. To amend further Section 9-17-13 of the Code of Alabama 1975, relating to the integration of separately owned tracts of land and development of same in drilling units, so as to provide that non-consenting owners in a pooled drilling unit shall be required to pay their proportionate share of the drilling and completion cost out of their share of production plus a charge for risk of 200% of the actual drilling and completion costs, this cost to be paid out of first production, and in the event production is not obtained in paying quantities, the operator of the well shall have no charge against the non-consenting owner or owners.

Rep. Horn, Chairman of the Standing Committee on Constitution and Elections, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 251. Providing for purging the lists of registered voters; requiring and prescribing the procedure for the reidentification of registered voters; providing for the appointment of deputy registrars to aid in the reidentification and registration of electors; placing certain duties on the board of registrars, judge of probate, and the county governing body relative to the reidentification of registered voters; and providing a penalty for willfully making a false statement in connection with reidentification.

Rep. Adams, Chairman of the Standing Committee on Commerce and Industrial Development, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 505. To provide further for economic development of the state; to regulate further employment in the Alabama development office and the duties of such office; to establish the Alabama Economic Development Board, which shall be in lieu of any advisory committee or council, heretofore established by the governor under authority of Section 41-9-203, Code of Alabama 1975, and which board shall advise and assist the governor, the legislature and the Alabama development office in areas of public policy related to economic development; to provide for the appointment, term of service and compensation of members of such board and to prescribe the powers, duties and functions thereof; to direct the Alabama development office to provide staff and logistical support for such board; and, for such purposes, amending Sections 41-9-201, 41-9-202, 41-9-203, Code of Alabama 1975.

Rep. Martin, Chairman of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 431. To provide that each municipality in the State of Alabama shall have the authority to enter into binding option agreements with respect to any land held by it as the site of an industrial park, subject to certain conditions and limitations.

S. 407. Relating to the portions of Madison, Jackson and DeKalb Counties which comprise State Senate District 8, so as to create an economic development committee and the position of comprehensive economic development coordinator and to provide for the duties, funding and compensation of said committee and coordinator.

S. 137. To amend Section 11-43-3, Code of Alabama 1975, to eliminate the requirement that the city treasurer and the city clerk in municipalities of more than 6,000 inhabitants must be a resident of the city but providing that the council may, by ordinance, require that such officers be residents of the city.

S. 323. Proposing an amendment to Amendment No. 269 to the Constitution of Alabama of 1901 relating to a special property tax by counties or municipalities for library purposes.

The above bill was read a second time at length as required by the Constitution.

S. 443. To amend Sections 41-16-51 and 41-16-57, Code of Alabama 1975, as amended, so as to exempt from the requirements of competitive bidding, and to exempt from the limitations on the maximum duration of contracts for the purchase of personal property or contractual services, any agreement, heretofore or hereafter entered into, between any governmental entity or instrumentality thereof, whose contracts are governed by the provisions of Title 41, Chapter 16, Article 3 of Code of Alabama 1975, as amended, and any other party or parties pursuant to which such other party or parties shall provide water, sewer, sewage treatment, sewage disposal, solid waste disposal, resource recovery, wastewater treatment, pollution control or jail or criminal detention services to or for the benefit of such governmental entity or instrumentality under circumstances in which such other party shall provide facilities used in the provision of such services it or for the benefit of such governmental entity or instrumentality in lieu of provision of such facilities by such governmental entity or instrumentality; and to clarify the exemption relating to the expenditure of funds by utility

systems for supplies or materials.

S. 401. To exempt the Southern League Dixie Youth Baseball, Inc. and Southeastern League Dixie Youth Baseball, Inc. from the payment of all state, county and municipal sales and use taxes.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 520. Relating to Dale County; to further provide for the distribution of the beer tax levied by Act No. 82-344, Regular Session, 1982, now codified as Sections 28-3-190 through 28-3-199, Code of Alabama 1975, so as to provide that the tax collected shall be paid and distributed in accordance with the provisions of Section 28-3-190 (c)(1), Code of Alabama 1975.

S. 530. Relating to DeKalb County; providing further for the costs and charges in all district court cases and providing for the establishment of a juvenile probation fund in the county.

S. 537. Relating to Calhoun County; authorizing the county commission to levy an additional ½ cent sales tax paralleling the state sales tax provided for in Sections 40-23-1, 40-23-2, 40-23-3 and 40-23-4, Code of Alabama 1975, providing for the collection, distribution and use of the proceeds of such tax; providing for the enforcement of this act by the state department of revenue; prescribing penalties and fixing punishment for violation of this act; and to provide that the substantive provisions hereof must be approved by the voters of the area in which the tax would be levied.

S. 546. Relating to Limestone County; prohibiting residents of the City of Athens from voting in the election of the county superintendent and county board of education; and the provisions of this act shall be subject to an advisory referendum with the qualified electors voting thereon.

S. 548. Relating to Escambia County; providing further for the compensation of supernumerary circuit clerks; providing for an expense allowance for such supernumerary officials and allocating the amount payable from the county general fund.

S. 549. Relating to Pickens County; to provide for the time intervals in which elections may be held as to the question of whether to allow or to prohibit the manufacture and sale of wine, alcoholic liquor or beverages as provided for by Article IV, Section 104 of the Constitution of Alabama of 1901.

S. 550. Relating to Pickens County; prohibiting the possession of alcoholic liquors and beverages as provided for by Article IV, Section 104 of the Constitution of Alabama of 1901; providing for exceptions; and providing penalties for violations.

Rep. Waggoner, Chairman of the Standing Committee on Local Legislation No. 2, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 544. To establish service territories for electric suppliers in and around Tarrant City, Jefferson County, Alabama; to declare that it is the policy of the State of Alabama to ensure effective, economical and orderly supply of electric service at retail to customers in and around Tarrant City and to avoid unnecessary duplication of facilities by electric suppliers for

the furnishing of retail electric service; to provide procedures for eliminating or reducing the potential for duplication of electric distribution facilities in and around Tarrant City by adopting and mandating that the procedures for elimination and prevention of the duplication of electric distribution facilities set forth in that certain agreement between Tarrant City and Alabama Power Company dated June 8, 1983 shall be the law of this State.

Rep. Waggoner, Chairman of the Standing Committee on Local Legislation No. 2, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report with amendment and it was read a second time and placed on the Calendar, to-wit:

S. 451. (With Amendment): Relating to Jefferson County; to amend Act No. 79-454 of the Regular Session of the Legislature of Alabama 1979 and the title thereof; to authorize the Chief and Associate Coroner-Medical Examiners to remove corneal tissues for transplantation or other purposes from dead bodies examined by the Coroner-Medical Examiner's Office; to adopt rules and regulations governing the removal of corneal tissues for transplantation or other purposes from dead bodies examined by the Coroner-Medical Examiner's Office; and providing for the effective date of the Act.

Rep. Turner, Chairman of the Standing Committee on Local Legislation No. 3, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 377. Relating to Mobile County; providing that the operation of bingo games for prizes or money only by qualified organizations for bona fide charitable, educational, or other lawful purposes shall be legal in Mobile County; providing for permits or licenses, applications, forms and contents to operate bingo, providing for special permits or licenses, prohibiting certain activities and imposing special requirements, providing for fees and expenses; providing for the disposition of proceeds; providing for the operation of bingo; providing for the keeping of records and their inspection; providing for the issuance and revocation of permits or licenses; providing for supervision by the circuit court; providing for certain powers and duties of the sheriff; providing for penalties and forfeitures; and providing that this Act shall become effective upon the adoption of an amendment to the Constitution of Alabama authorizing bingo in Mobile County, and approved at a referendum on the subject in the county; provided, however, if said amendment is approved by a majority of the voters casting ballots thereon in Mobile County, no further referendum is needed.

S. 378. To propose an amendment to the Constitution of Alabama of 1901, to legalize the operation of bingo games for prizes or money by certain nonprofit organizations for charitable or educational purposes in Mobile County; and to provide that the provisions of this amendment shall be self-executing.

The above bill was a read a second time at length as required by the Constitution.

S. 506. To authorize the City of Prichard, Mobile County, Alabama, to establish an Enterprise Zone in the area of pervasive poverty, unemployment and economic distress and to carry out programs to encourage private investment and to create jobs in such area, and to authorize agencies of

such city, the county governing body and state and county agencies to carry out similar programs in such Enterprise Zone, including, but not limited to, reduction of tax rates, license rates and fees, improvement of public services and reduction and modification of regulatory requirements within such zone, and to provide other services and to modify other requirements as may be necessary or desirable to qualify for financial assistance to such city or private entities within such zone under any Act of the Congress of the United States heretofore or hereafter enacted.

S. 480. Relating to Mobile County; requiring that twenty percent of the teacher units now allocated for the instruction of Exceptional Children in Mobile County be allocated for the gifted child.

H. 788. Relating to Mobile County; providing that any political subdivision or agency of such subdivision within the county shall solicit competitive bids when leasing any warehouse, storage, shop, office space or land from any individual, association, corporation, partnership or other business entity and prescribing certain bid procedures.

H. 880. Relating to Mobile County; to provide for a referendum election to determine whether the Mobile County Commission shall provide for a leash law in the unincorporated areas of the county; to empower the county commission to adopt and enforce such leash law contingent upon such referendum approval by the qualified electors of the county and to provide that the county commission may contract with an incorporated municipality in the county for enforcement of such law.

H. 878. Relating to Mobile County; authorizing the judge of probate to sell lists of voters to certain candidates and providing for the disposition of funds from said sales.

Rep. Albright, Chairman of the Standing Committee on Local Legislation No. 4, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 554. To authorize the governing body of the City of Huntsville in Madison County to regulate and permit the sale and consumption of alcoholic beverages upon the licensed premises of licensees of the Alabama Alcoholic Control Board and licensees of the City of Huntsville on Sunday; to provide that the provisions of this act are cumulative, and that the act shall not be held to repeal any other general or special act; and to provide an effective date for this act.

S. 552. To approve the proposal of the governing body of the City of Huntsville and the Board of Education of the City of Huntsville, relating to the special school taxes heretofore levied pursuant to Amendment No. 305 of the Constitution of Alabama of 1901, that the rate of said special school taxes be increased above the limit provided by said Amendment No. 305 so as to increase the total rate of ad valorem taxes to be levied and collected pursuant to Amendment No. 305 by 65 cents on each one hundred dollars worth of taxable property (6½ mills), making the total levy pursuant to Amendment No. 305, 11½ mills; providing for an election by the qualified electors of the City of Huntsville at a special election called and held in accordance with law governing special elections; and providing for an effective date for this Act.

S. 200. Relating to the City of Huntsville; to regulate further the election and terms of office of the mayor and city councilmen; and to provide

that the provisions of this Act shall repeal and supersede the provisions of Section One of Act No. 738 of the 1971 Regular Session of the Legislature of Alabama, insofar as it applies to the City of Huntsville.

Rep. Langford, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 21. To amend Section 13A-7-1, Code of Alabama 1975, which provides for the definitions relating to the crimes of burglary and criminal trespass, so as to provide further for said definitions.

S. 22. To amend Section 9-13-11, Code of Alabama 1975, which relates to the willful and malicious burning of woodlands, so as to provide further for the definition of paraphernalia used in arson.

S. 153. To amend Sections 13A-12-170 and 13A-12-171, Code of Alabama 1975, relating to the display and distribution of pornography to minors, in order to further define and prohibit the display, distribution and exhibition of pornography to minors; to specify the cases these amendments apply to; to provide that the provisions of this act are severable, and to provide an effective date.

S. 154. To amend Section 15-18-8, Code of Alabama 1975, which imposes a minimum term of confinement, upon conviction, of a sentence of 10 years or less, so as to increase said minimum term; and to amend Section 15-22-50, Code of Alabama 1975, which imposes a maximum term of confinement, upon conviction, of a sentence of 10 years or less, so as to increase said maximum term.

S. 158. To prohibit the acts of shooting or discharging a firearm, explosive or other weapon which discharges a dangerous projectile into any occupied or unoccupied dwelling or building or railroad locomotive or railroad car, aircraft, automobile, truck or watercraft and to prescribe felony punishment for such acts.

S. 283. Providing for the termination of parental rights and responsibilities of parents who are unable or unwilling to discharge their responsibilities to and for the child; providing certain definitions; enumerating the circumstances to be considered by the court in cases where such rights and responsibilities are sought to be terminated; providing for the procedure to be followed in termination cases; providing for the disposition of such cases; and providing for periodic review of the circumstances of certain children.

S. 308. To amend § 13A-9-13.1, Code of Alabama 1975, so as to make clear that the crime of negotiating a worthless negotiable instrument includes the giving of a check in payment of a tax liability.

S. 312. To provide for court ordered continuing income withholding by employers as a discretionary judicial means of enforcing restitution orders in criminal cases; to provide further that after notice and hearing such income withholding orders may also be issued for the enforcement of previously ordered restitution obligations which are delinquent; to provide further that other income or assets may be attached for the enforcement of restitution orders; to provide further that any court order requiring the withholding or attachment of assets or income may be modified or rescinded on certain conditions; to provide further for service of court orders withholding income or attaching assets; to provide further for service by certified mail, return receipt requested and for the taxing of costs of such ser-

vice; to provide further that income withholding orders or orders attaching assets shall take precedence over subsequently issued garnishments or writs except as the same applies to the support of any dependent children of the defendant; to provide that no employer may discharge or refuse to hire a person solely because of such order; and to provide that any person who refuses to comply with the order may be deemed to be in contempt of court and liable to the victim for amounts not withheld; and to provide for legislative findings, policy, and judicial construction.

Rep. Langford, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

S. 388. (With Amendment): To provide further for venue with respect to filing petitions to modify divorce decrees relating to child custody and visitation rights.

Rep. Langford, Chairman of the Standing Committee on Judiciary reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 510. To amend section 6-10-6, Code of Alabama 1975, relating to exemption of certain personal property from levy and sale under execution, so as to provide that no such property upon which a debtor has voluntarily granted a lien shall be subject to such exemption.

S. 540. To amend section 43-2-42 of the Code of Alabama 1975, which relates to the order of preference in the right to administer an intestate's estate, so as to provide further for the order of granting said right of administration in counties where the general administrator is elected by vote of the people.

S. 455. To provide for the enactment of the Alabama Uniform Parentage Act, creating a civil cause of action in the courts of this state for the determination of paternity for the purposes of support and other reasons; to provide for the definition of the parent and child relationship and methods for the establishment of said relationship; to provide for a presumption of paternity; to provide for the jurisdiction of actions to determine paternity and support under this Act in those courts exercising jurisdiction over juvenile proceedings; to provide for the venue and service of process in said proceedings; to provide for the determination of the existence or non-existence of the father and child relationship and when and by whom these actions may be brought; to specifically provide that applicable sections of the Criminal Code shall remain available for the enforcement of a child's right to support; to provide for court-ordered blood tests, the selection of expert witnesses and evidence relating to paternity and the admissibility of such evidence; to provide for court orders determining paternity and the payment of support and the enforcement of such orders by the mother, the child or public authorities furnishing expenses and support; to provide that written agreements for support shall be enforceable by the courts; to provide that any party may be represented by an attorney and that the district attorney, special prosecutor and other attorney authorized to represent the State of Alabama shall prosecute all proceedings under this Act; to provide a statute of limitation for paternity action under this act; to provide that any interested party may also bring an action to determine the existence or non-existence of the mother and child relationship; to provide for the issuance of a new birth certificate upon a determination of paternity; to further

provide for the appeal of judgments rendered pursuant to this Act to the circuit court for a trial de novo and by a jury, if demanded; and to specifically repeal Sections 26-12-1 through 26-12-9, Code of Alabama 1975.

Rep. Langford, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

S. 211. (With Amendment): To define and set the punishment for the crimes of; unlawful distribution of controlled substances in the first, second, and third degree; unlawful possession of a controlled substance in the first, second, and third degree; unlawful possession of marihuana in the first and second degree; unlawful possession of narcotic paraphernalia; to provide for forfeitures and seizures; to amend Code of Alabama 1975, Sections 20-2-2, 20-2-32, 20-2-72, 20-2-80 and 20-2-93; to provide for the incorporation of Act No. 82-426, "The Imitation Controlled Substances Act," into this act; to provide for the incorporation of the provisions of this act into Title 13A of the Code of Alabama 1975; to repeal Code of Alabama 1975, Sections 20-2-70, 20-2-73, 20-2-75, and any and all other laws or parts of laws that conflict with this act, insofar as conduct occurring after the effective date of this act is concerned; to provide that this act is supplemental to other laws not inconsistent with this act and shall not be deemed to repeal such laws; to specify the conduct to which this act applies; to provide for severability; and, to provide an effective date 90 days after its passage and approval.

Rep. Langford, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 508. To amend Section 8-6-3, Code of Alabama 1975, relating to broker-dealers to provide further for the regulation of brokers and dealers.

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

S. 409. (With Substitute): To amend Sections 40-22-1 and 40-22-2, Code of Alabama, 1975, as amended, which relate to recordation tax on certain instruments received for record in the probate offices of this state, so as to provide further for the rates of such taxes and the commissions allowed for the collection of such recordation taxes.

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 555. To authorize the State Industrial Development Authority to sell and issue from time to time its bonds not exceeding $6,000,000 in principal amount in addition to those heretofore authorized to be issued by it; to prescribe certain additional powers and duties of the Authority, including (a) the power to make grants from the proceeds of the said additional bonds to counties, municipalities, and local industrial development boards, subject to certain limitations, for the purposes of making certain local surveys incidental to industrial development and to grade and drain industrial sites and the means of access thereto and (b) the power to establish a revolving loan

fund of up to $3,000,000 from the proceeds of the said additional bonds, and to make loans from such fund to local industrial development boards, subject to certain limitations, for the purpose of encouraging construction of buildings for industrial development purposes, with such loans to be made on a participating basis and to be repaid by any recipient board upon entry into a lease or sale of any such building; to provide that the Authority may issue and sell such bonds for the purpose of making the said grants and loans; to provide for the execution, form and terms of such bonds and for the terms of sale thereof; to provide that such bonds and the income therefrom shall be exempt from taxation, that such bonds may be used to secure deposits of funds of the state and its political subdivisions, instrumentalities and agencies, shall be legal for investment of fiduciary funds and funds of the Teachers' Retirement System of Alabama, the Employees' Retirement System of Alabama, and the State Insurance Fund, and shall not create an obligation or debt of the state; to provide for the deposit, investment and disposition of the proceeds of the sale of the bonds of the Authority; to make an appropriation and pledge of funds from the special tax levied by Sections 40-25-2 and 40-25-23, Code of Alabama 1975, to the extent necessary to pay the principal of and interest on bonds of the Authority; to authorize the Authority to pledge the funds so appropriated for the payment of the principal of and interest on its bonds; to provide that such principal and interest shall be payable solely from the funds so appropriated; and to provide that the state treasurer shall be the custodian of the funds of the Authority.

S. 556. To amend Section 40-25-23, Code of Alabama 1975, so as to reallocate a portion of the revenues derived from the taxes levied upon cigarettes authorized by Sections 40-25-2 and 40-25-41, Code of Alabama 1975, and to appropriate so much of these revenues as may be necessary for the retirement of additional bonds of the State Industrial Development Authority not exceeding $6,000,000 in aggregate principal amount.

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, with amendments, and it was read a second time and placed on the Calendar, to-wit:

S. 42. (With Substitute) (With Amendments): To amend further Section 16-13-52, Code of Alabama 1975, relating to the determination of teacher units for the purpose of apportioning the minimum school program fund, so as to allow any teacher units which are lost by a county or an independent city because of decrease in average daily attendance, to be transferred to a kindergarten program until the kindergarten program is adequately funded or a compulsory remedial summer school program; to provide for the state superintendent of education to allocate the units and to provide the basis therefor; and to provide for certain authority of the local school system in the use of such transferred units within the kindergarten program.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 547. Relating to Lee County, providing further for the registration fees on mobile homes; providing further for the distribution of such fees; providing for an effective date; and repealing Act No. 481, H. 1193, 1976

Regular Session (Acts 1976, p. 597).

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 835. (With Amendments): To make it unlawful to build, maintain or use an unsanitary sewage collection, treatment and disposal facility within Baldwin County, excluding certain plumbing within municipalities and the unincorporated areas of the county; to authorize the Baldwin County Health Department to adopt rules and regulations for the administration of this Act; to authorize the Baldwin County Health Department to require the installation of the required type and number of facilities in accordance with all applicable state regulations; to require the submission of certain plans and specifications relating to sewage collection, treatment and disposal to the Baldwin County Health Department; to provide for the approval of plans and specifications and issuance of permits for construction and installation of on-site sewage disposal systems; to require certificates of competency, issued by the Baldwin County Health Department, before any person, firm or corporation shall install, repair, clean or maintain any on-site wastewater disposal system; to prescribe criteria for issuing and revoking such certificates of competency; to require a surety bond to assure compliance with the provisions of this act and to provide penalties for violation of this act. Nothing in this bill shall be construed as being in conflict with State Health Department rules or regulations.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 886. (With Amendment): Relating to Baldwin County; to provide for the levying of a county motor vehicle license tax and registration fee; to provide for the administration and collection of said tax and fee; and to provide that the net proceeds therefrom shall be paid into the county general fund.

RESOLUTIONS

The following resolution was introduced:

By Rep. Penry:

H. J. R. 437. HONORING MS. MARY J. HANSEN UPON RECEIVING THE DISTINGUISHED TEACHING ACHIEVEMENT AWARD.

WHEREAS, Ms. Mary J. Hansen of Fairhope, Alabama, has been selected to receive the National Council for Geographic Education Distinguished Teaching Achievement Award for outstanding teaching at a precollegiate level; and

WHEREAS, this award is granted annually to only about 24 recipients on this continent, and will be presented at a conference in Ochos, Jamaica, in late October at the Annual National Council for Geographic Education; and

WHEREAS, Ms. Hansen holds a Master's Degree in Specialization in Social Studies and Geography from the University of South Alabama, and is

presently working toward her AA Degree; and has taught her entire career in the social studies and geography fields at Fairhope High School; and

WHEREAS, in the summer of 1982, Ms. Hansen received a grant to Emory University to attend the Extended Teacher Institute in Middle East Studies; and

WHEREAS, in the fall of 1983 she will go to the University of Georgia as one of 30 fellowships to the Taft Government Seminar; and to Manassas, Virginia, to attend the Annual Reunion of Participants of these Middle East Seminars; and will also attend the Southeast Regional Middle East Islamic Seminar in Boone, North Carolina; and to the National Council of Social Studies Conference in San Francisco; where she will be presenting slides and displays of work done in her classrooms. She has done outstanding Middle East exhibits and displays of Christmas Around the World for the last 9 years, using authentic meals, dress, customs and foods; and

WHEREAS, because of previous commitments, Ms. Hansen has declined numerous fellowships including the National Archives at the University at Richmond, and the University of Denver on Global Education; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby congratulate Ms. Mary J. Hansen upon her tremendous contribution to our youth and upon her selection to receive the Distinguished Teaching Achievement Award, and

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Ms. Hansen.

On motion of Rep. Penry, the rules were suspended and the resolution, H. J. R. 437, was adopted.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Reps. Rains and Stout:

H. R. 438. COMMENDING MR. AND MRS. CHARLIE EDMONDSON WEAVER ON THEIR GOLDEN WEDDING ANNIVERSARY.

Also:

By Reps. Rains and Coleman:

H. R. 439. COMMENDING THE DOUGLAS HIGH SCHOOL CHAPTER OF FFA AND ADVISOR LARRY WILSON.

Also:

By Rep. Rains:

H. R. 440. COMMENDING MR. AND MRS. JUDSON LUTHER GUICE ON THEIR GOLDEN WEDDING ANNIVERSARY.

Also:

The following resolution was introduced:

By Rep. Martin:

H. J. R. 441. CONTINUING AND REORGANIZING THE IN-

TERIM COMMITTEE ON MUNICIPAL GOVERNMENT.

WHEREAS, under the provisions of Act No. 82-379 an Interim Committee on Municipal Government of the Legislature of Alabama was organized with eight (8) members of the Legislature, four (4) from the House appointed by the Speaker and four (4) from the Senate appointed by the Lieutenant Governor, and the Committee met after the adjournment of the 1982 Session and prior to the 1983 Session and has submitted its report to the Legislature; and

WHEREAS, the Committee made numerous recommendations with respect to the organization, function, administration, financial framework, election procedures, forms of government procedures, and the impact of growth and urbanization on Alabama cities and towns; and

WHEREAS, the current Legislature is in position to adopt several bills recommended by the Committee and will no doubt adopt several pieces of legislation which the Interim Committee recommended and there is a need to continue and complete the study begun by the said Interim Committee inasmuch as many areas, which the Committee studied, require further study in depth and require positive recommendations to the Legislature from the Committee; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in order to further suggest to the State legislators additional sound, workable, financially feasible and economically possible methods of administration for Alabama's municipal governments, there is hereby continued and reorganized the Interim Committee on Municipal Government of the Legislature of Alabama to be composed of eight (8) members of the Legislature, four (4) members from the House to be appointed by the Speaker of the House, and four (4) members from the Senate to be appointed by the Lieutenant Governor. It shall be the duty and function of the Committee to continue to analyze the present status of municipal government in Alabama and to make recommendations for legislation and constitutional revision which it considers necessary or desirable to enable the municipal governments of this State to more adequately meet and furnish the services and requirements of their citizens.

In reviewing the status and the laws of municipal governments in Alabama, the Committee shall consider and make studies of, but shall not limit its consideration, to the following items:

1. Assessment and continued study of the effect of New Federalism and the problems created by its impact on the municipalities of Alabama; a study as to how the municipalities may continue furnishing services because of the serious reduction in federal assistance for municipal programs; a study of the block grant delivery of federal assistance for municipalities through the State and recommendations on such methods of delivery.

2. An assessment of the impact of the decision of the United States Supreme Court in *Community Communications Company, Inc. v. City of Boulder, Colorado,* which decision may lead to Alabama municipalities being concerned with the complexities and expense of anti-trust litigation and the need for legislative action to relieve municipalities from any possible anti-trust liability.

3. An assessment of the duplication of functions performed by the State, counties and municipalities, and particularly in the areas of traffic safety, streets and highways, drainage, rights-of-way maintenance, solid waste disposal, law enforcement and fire protection; and a suggestion as to

legislation to eliminate such duplications.

4. A review, with recommendations, as to how to improve annexation procedures, control of urban sprawl, and recommended solutions for hazardous waste disposal and energy conservation.

5. A review and effect of the proposed Constitution on local governments in Alabama.

BE IT FURTHER RESOLVED, That the Committee shall not consume more than forty-five (45) working days in performing its functions and that its report be finished in time for presentation of a preliminary report during the first week of the 1984 Regular Session of the Alabama Legislature and a final report to be submitted during the 1984 Regular Session of the Alabama Legislature, and that as far as practical that all meetings of the Committee shall be held in the State Capitol and be opened to the public. The Secretary of the Senate or Clerk of the House is hereby required to provide one (1) clerk, who shall be a competent stenographer, and the Committee is hereby empowered to employ such other personnel, including reporters and attorneys, as the Committee shall deem necessary. The Committee is hereby empowered to expend funds for the purpose of correspondence with prospective witnesses, in preparation of reports and in general expenses incident to the work of the Committee. Each member of the Committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends the meeting of the Committee which shall be paid out of funds appropriated to the use of the Legislature on warrants drawn on the State Comptroller upon requisition signed by the Committee's Chairman. Provided, that members shall not receive additional legislative compensation or per diem when the Legislature is in session. The Chairman of the Committee shall certify the sums due to the clerk or other employees of the Committee. The total amount of funds expended by the Committee in carrying out the study shall not exceed the sum of Seven Thousand Five Hundred Dollars ($7,500.00). The Lieutenant Governor and the Speaker of the House shall jointly designate one of the members of the Committee as Chairman and one member to be Vice Chairman. The Lieutenant Governor and the Speaker of the House shall be ex officio members of the Committee and shall receive compensation at the rate paid to members for each day that they sit with the Committee in its work on the subjects and problems listed in this Resolution, or in handling any other matters agreed upon by the Committee in line with the general purpose of the Committee.

The resolution, H. J. R. 441, was read and referred to the Standing Committee on Rules.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Rep. Gaston:

H. R. 442. COMMENDING MISS JULIE AMANDA HARRELL OF MOBILE, ALABAMA.

Also:

By Reps. Gaston and Kvalheim:

H. R. 443. COMMENDING MISS LEISHA LYNN GARNER OF MOBILE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

By Rep. Flowers:

H. R. 444. COMMENDING MR. HARVEY JOHNSON, PROMINENT ALABAMIAN AND PIKE COUNTY CITIZEN.

Also:

The following resolutions were introduced:

By Reps. Nicholson and Brakefield:

H. J. R. 445. MOURNING THE UNTIMELY DEATH OF JOE R. SIMMONS OF JASPER, ALABAMA.

WHEREAS, the Legislature of Alabama was saddened to learn of the death of Joe R. Simmons of Jasper, Alabama, Walker County, Alabama on Thursday, May 12, 1983 at the age of 73; and

WHEREAS, Mr. Simmons was life-long resident of Walker County and distinguished himself in the business community by successfully serving as president of North Alabama Lumber Company and Cleveland Land and Lumber Company; and

WHEREAS, Mr. Simmons distinguished himself at an early age by earning the Eagle Scout Award as a boy scout and being an outstanding football player at Walker County High School; and

WHEREAS, Mr. Simmons graduated from Marion Military Institute and the University of Alabama where he was president of Phi Delta Theta Fraternity; and

WHEREAS, he was active in civic organizations in Walker County including the Jasper Area Chamber of Commerce, Musgrove Country Club, Fraternal Order of Police, Boy Scouts of America, and was a devoted lifelong member of the First Christian Church of Jasper; and

WHEREAS, Joe R. Simmons was a man of integrity and dignity, devoted to his family and truly dedicated in his sense of duty and responsibility to his community, and will be long remembered and deeply missed by all those who were privileged to know him; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that we do deeply regret and grievously mourn the death of Joe R. Simmons, and extend our sincere sympathy to his wife and family.

BE IT FURTHER RESOLVED, that copies of this resolution be presented to his wife Mrs. Judy Goyer Simmons, his daughters Josephine Pankey and Julia Ann Simmons, his brothers A. R. Simmons and Dr. John T. Simmons, and his sister Mary Katherine Hager; that they may know of our shared sorrow in their great loss.

On motion of Rep. Nicholson, the rules were suspended and the resolution, H. J. R. 445, was adopted.

Also:

By Reps. Nicholson and Brakefield:

H. J. R. 446. HONORING JUDGE JAMES C. BROTHERTON OF JASPER, ALABAMA.

WHEREAS, the Legislature of the State of Alabama has noted with

pleased accord the recent honor of the 1982 "Kidstar" Award bestowed upon Walker County Circuit Judge James C. Brotherton by Big Brothers and Big Sisters of Greater Birmingham for his positive example and involvement in youth related activities; and

WHEREAS, James C. Brotherton has served with distinction for the past twelve years as Juvenile Court Judge for Walker County; and

WHEREAS, James C. Brotherton was the driving force behind and a founding member of the Concerned Citizens for Youth, a group responsible for establishing Beacon House, which has provided needed counseling and guidance for troubled juveniles; and

WHEREAS, James C. Brotherton has served on the advisory board on juvenile proceedings to the Supreme Court, the judges' advisory committee to the Department of Youth Services Board and is one of the authors of the Juvenile Code of Alabama; and

WHEREAS, James C. Brotherton's efforts have resulted in many troubled youngsters turning around their lives and becoming productive citizens and because of him, Walker County and the State of Alabama is a better place to live; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that we most highly praise and commend James C. Brotherton of Jasper, Alabama for his efforts on behalf of the youth of our state and nation.

BE IT FURTHER RESOLVED, that James C. Brotherton receive a copy of this resolution so that he may know of this body's grateful appreciation and high esteem.

On motion of Rep. Nicholson, the rules were suspended and the resolution, H. J. R. 446, was adopted.

Also:

By Reps. Nicholson and Brakefield:

H. J. R. 447. MOURNING THE DEATH OF DAVIS SMITH "SON" HUMPHRIES OF JASPER, ALABAMA.

WHEREAS, the Legislature of Alabama was saddened to learn of the death of David Smith "Son" Humphries of Jasper, Walker County, Alabama on Saturday, November 13, 1982 at the age of 69; and

WHEREAS, Son Humphries was a life-long resident of Walker County who started his business career in the grocery business forty five years ago; and

WHEREAS, He was a warm and loving man who served as an example to be emulated by all in his community who have benefited from his unending kindness and generosity; and

WHEREAS, Son's Super Market has always given more than its share to any worthy cause or person in need in Walker County; and

WHEREAS, Son Humphries was a man of integrity and dignity, devoted to his family and truly dedicated in his sense of duty and responsibility to his community and will be long remembered and deeply missed by all those who were privileged to know him; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH

HOUSES THEREOF CONCURRING, that we do deeply regret and grievously mourn the death of David Smith "Son" Humphries, and extend our sincere sympathy to his wife and family.

BE IT FURTHER RESOLVED, that copies of this resolution be presented to his wife Mrs. Alta Burton Humphries, his sons David Humphries and Jerry Humphries and daughter Sandra Lee; that they may know of our shared sorrow in their great loss.

On motion of Rep. Nicholson, the rules were suspended and the resolution, H. J. R. 447, was adopted.

Also:

By Rep. Browder:

H. R. 448.

WHEREAS, law enforcement officers of the State of Alabama and its cities and counties are charged with the duty and responsibilities of protecting the lives and the property of the citizens and visitors of this State, and

Whereas each day the law enforcement officers of this State face bodily harm and possible death while carrying out their duties, and

Whereas each year a number of our law enforcement officers pay the supreme sacrifice while lawfully performing their duties of protecting the lives of law abiding citizens from the criminal element, and

Whereas the State of Alabama has never recognized these fallen heroes with a lasting memorial, and

Whereas the Fraternal Order of Police, Alabama State Lodge, wishes to erect a permanent memorial to their brothers who gave their lives in the line of duty, and

Whereas the Fraternal Order of Police wishes to erect a monument on the Alabama State Capitol grounds, and

Whereas the monument erected will be of such design that it will complement the Capitol and Capitol grounds, and

Whereas such monument will be erected at a location to be approved by the Governor of the State of Alabama and the committee on Building and Grounds and the Fraternal Order of Police.

NOW THEREFORE be it resolved that this Alabama State Legislature 1983 Regular Session endorses and approves of the Fraternal Order of Police erecting this memorial to the law enforcement officers of the State of Alabama who have given their lives while in the lawful performance of their duties.

On motion of Rep. Browder, the rules were suspended and the resolution, H. R. 448, was adopted.

Also:

By Reps. Murphy, Moore and Smith:

H. J. R. 449. COMMENDING MAYOR RALPH W. SEARS OF MONTEVALLO, ALABAMA.

WHEREAS, a native of Grand Island, Nebraska, Ralph Westgate Sears has resided in Montevallo, Alabama, since 1948, following three years of active duty with the United States Army in the Pacific Theatre during World

War II, and his subsequent graduation from the University of Nebraska; and

WHEREAS, Mr. Sears was associated with Alabama College, now the University of Montevallo, as an instructor, administrator and public relations official for 26 years, during which time he rendered invaluable service to both the college and the community; and

WHEREAS, Mr. Sears was elected to the City Council of Montevallo in 1956, was subsequently re-elected to three additional terms and, in 1972, was elected to mayoral office in which capacity he continues to serve; and

WHEREAS, during Mayor Sears tenure, the City of Montevallo has grown and flourished through numerous positive programs in all areas; his dedication to office is reflected in such progress and his service has been distinguished; and

WHEREAS, Mayor Sears' also has been prominent as a radio businessman, newspaper man and civic leader as well as college administrator and public official; and

WHEREAS, Mayor Sears has served as Chairman of the Shelby County Mayors Association, as founder and first president of the College Faculty Club, as first president of the College Golf Club and as president of the Alabama Association of College Administrators, among others; and

WHEREAS, his involvement and leadership has extended to include such organizations as the United Way, American Lung Association, the Montevallo Rotary Club, American Red Cross, the Chamber of Commerce and the Montevallo Presbyterian Church which he serves as Elder; and

WHEREAS, among many honors and accolades accorded Mr. Sears are the University of Montevallo's Outstanding Area Public Official of the Year Award, and the Outstanding Civic Leader Award for 1982, bestowed by the Montevallo Area Chamber of Commerce; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in concurrence of praise with the University of Montevallo and the Montevallo Area Chamber of Commerce, we hereby most highly commend Ralph Westgate Sears for outstanding service to his community and to the entire State of Alabama.

BE IT FURTHER RESOLVED, That Mayor Sears receive a copy of this resolution tendered in expression of our sincere praise and highest regard.

On motion of Rep. Murphy, the rules were suspended and the resolution, H. J. R. 449, was adopted.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Reps. Murphy, Moore and Smith:

H. R. 450. COMMENDING MAYOR RALPH W. SEARS OF MONTEVALLO, ALABAMA.

Also:

By Rep. Melton:

H. R. 451. COMMENDING MARVIN TODD MARTIN OF TUSCA-

LOOSA, ALABAMA, FOR OUTSTANDING ACADEMIC ACCOMPLISHMENT.

SPECIAL ORDER

The House then proceeded with the consideration of the uncontested local bills on the Special Order Calendar.

And the bill:

H. 918. To alter, rearrange and extend the boundary lines and corporate limits of the City of Centre in Cherokee County, Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 53; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Bowling, Box, Brakefield, Buskey, Butler, Clark, Coburn, Coleman, Cosby, Crow, Drinkard, Faulk, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hettinger, Howard, Johnson (A.L.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Langford, Lauderdale, Layton, McMillan, Mitchell, Newman, Nicholson, Owens, Parker, Poole, Rains, Reed, Rice, Sasser, Seibels, Smith, Starkey, Starr, Tucker, Turner, Turnham, Venable, Warren, Wilson and Zoghby.

—53

And the bill:

H. 919. Relating to Fayette County; providing further for the discipline and dismissal of deputies sheriff in such county; creating a deputies sheriff discipline and dismissal board therefore; providing for the membership and terms of such board and its authority, responsibilities and duties in such county; and providing for eligibility of deputies sheriff to be entitled to a hearing before such board.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 45; Nays 0.

Yeas:

Mr. Speaker, Ashley, Bowling, Brakefield, Butler, Carter, Coburn, Coleman, Crow, Drinkard, Faulk, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hettinger, Howard, Johnson (Roy), Junkins, Kennedy, Kvalheim, Langford, Lauderdale, Layton, McMillan, Mitchell, Newman, Owens, Parker, Poole, Rains, Reed, Sasser, Seibels, Smith, Starkey, Turner, Turnham, Venable, Waggoner, White (L), Williams, Wilson and Zoghby.

—45

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 922. To reverse the numbers of House Districts 26 and 25 as desig-

nated in Section 1 of Act No. 83-154, H. 1, Second Special Session 1983, approved February 23, 1983.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 46; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Bowling, Brakefield, Brooks, Butler, Carter, Coburn, Coleman, Crow, Drinkard, Faulk, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hettinger, Johnson (Roy), Junkins, Kennedy, Kvalheim, Lauderdale, Layton, McMillan, Martin, Mitchell, Newman, Owens, Parker, Poole, Rains, Reed, Rice, Sasser, Seibels, Smith, Starkey, Turner, Waggoner, White (L), Williams, Wilson and Zoghby.

—46

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO SUSPEND RULES LOST

The motion offered by Rep. Buskey to suspend the rules in order to take up out of order the bill, H. 876, was lost, lacking a four-fifths vote.

Yeas: Reps.: Buskey, Clark, Clikas, Kennedy, Reed and Zoghby. —6

Nays: Reps.: Box, Gaston, Johnson (A.L.) and Rice. —4

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

LEAVE OF ABSENCE

At the request of Rep. Ford, leave of absence was granted for Rep. Harvey.

RESOLUTION

The following resolution was introduced:

By Reps. Carothers, Manley, Grimsley, Grouby, Sasser, Lauderdale, White (L), Venable, Johnson (R.G.), Bowling, Carter, Butler, Smith, Layton, Cosby, Rice, Richardson, Poole, Seibels, Waggoner, Rains, Wilson and Johnson (A.L.):

H. R. 452. URGING THAT THE ALABAMA SENATE CONFIRM R. C. BAMBERG AS AUBURN UNIVERSITY TRUSTEE.

WHEREAS, the Alabama House of Representatives notes that Mr. R. C. "Red" Bamberg has served Auburn University and its students and the State and its citizens as a trustee of Auburn for over 27 years; and

WHEREAS, Auburn University was established as an agricultural school and Red Bamberg has proven expertise in the field of agriculture; and

WHEREAS, he is the only Auburn trustee whose nomination has not been confirmed by the Senate Rules Committee; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE ALABAMA LEGISLATURE, That we hereby urge that the Alabama Senate immediately confirm Mr. R. C. Bamberg as a trustee of Auburn University.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to the Secretary of the Senate, the Lieutenant Governor and the Chairman of the Senate Rules Committee that they may know of our concern in this matter.

On motion of Rep. Carothers, the rules were suspended and the resolution, H. R. 452, was adopted.

SPECIAL ORDER RESUMED

The House then proceeded with the consideration of the bills on the Special Order Calendar.

S. 192. To amend Section 31-2-90, Code of Alabama 1975, which provides for appointment of defense counsel in actions against members of the national guard, so as to make such counsel available at state expense, from the regular or special appropriations for the maintenance of the national guard or the general fund, in the discretion of the governor, when the adjutant general determines that a member of the national guard acted reasonably or in his official capacity in the discharge of any duty under the military code.

Was read a third time at length and passed.

Yeas 69; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Buskey, Butler, Carothers, Carter, Clikas, Coburn, Coleman, Crow, Drinkard, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hammett, Hettinger, Holley, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Langford, Lauderdale, Layton, Lewis, McMillan, Mathis, Moore, Murphy, Newman, Parker, Payne, Penry, Poole, Rains, Rice, Richardson, Sasser, Seibels, Smith, Starkey, Starr, Stout, Trammell, Turner, Venable, White (L), Williams, Wilson, Wright and Zoghby.

—69

And the bill:

S. 191. To amend Section 31-2-89, Code of Alabama 1975, which bars actions or proceedings against members of the national guard for acts done in the discharge of military duty, so as to provide for conditions under which indemnification by the state shall be available to such persons.

Was read a third time at length and passed.

Yeas 83; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis,

Drinkard, Dutton, Faulk, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Hettinger, Holley, Johnson, (A.L.), Johnson, (R.G.), Johnson, (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Mathis, Melton, Mitchell, Moore, Murphy, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Rains, Rice, Richardson, Sasser, Seibels, Smith, Starkey, Starr, Stout, Thornton, Trammell, Tucker, Venable, Warren, White (L), Williams, Wilson, Wright and Zoghby.

—83

And the bill:

H. 491. To amend Sections 40-22-1 and 40-22-2, Code of Alabama, 1975, as amended, which relate to recordation tax on certain instruments received for record in the probate offices of this state, so as to provide further for the rates of such taxes and the commissions allowed for the collection of such recordation taxes.

Was taken up.

AMENDMENT OFFERED

Rep. Rice offered the following amendment to the bill, H. 491:

On page 6, line 11, delete the figure "$2.00" and insert in lieu thereof:

$1.50

AMENDMENT TABLED

On motion of Rep. Sasser, the amendment offered by Rep. Rice to the bill, H. 491, was tabled.

Yeas 43; Nays 37.

Yeas:

Mr. Speaker, Albright, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Browder, Bryant, Campbell, Casey, Coburn, Cosby, Crow, Davis, Hammett, Howard, Johnson (Roy), Junkins, Laird, Lauderdale, Manley, Melton, Minus, Mitchell, Moore, Newman, Owens, Parker, Poole, Rains, Reed, Richardson, Sasser, Turner, Turnham, Venable, Warren, White (F), White (L) and Zoghby.

—43

Nays:

Reps.: Adams, Brooks, Carter, Clikas, Coleman, Ford, Freeman, Gaston, Goodwin, Grimsley, Hall, Holley, Horn, Johnson (A.L.), Johnson (R.G.), Kvalheim, Layton, Lewis, McKee, McMillan, Mathis, Murphy, Payne, Penry, Rice, Seibels, Smith, Starkey, Starr, Stout, Thornton, Trammell, Tucker, Waggoner, Williams, Wilson and Wright.

—37

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the House Bill:

H. 264. To amend Sections 32-5-192, 32-5A-191, 32-5A-192, 32-6-19, and 11-45-9, Code of Alabama 1975, relating to offenses and penalties for refusal to submit to a chemical test under 32-5-192 (Implied Consent); to generally increase the penalties and other sanctions for violation of 32-5A-191 (DUI); to clarify the penalty for violation of 32-5A-192 relating to Homicide by Vehicle; to generally increase the penalty for violation of Section 32-6-19 relating to Driving While Revoked; and to allow municipal courts to enforce increased penalties under 32-5A-191 (DUI) by amending 11-45-9.

And the President and Presiding Officer of the Senate has appointed as Committee on part of the Senate Senators: Smith (B), Covington, and Barron.

McDOWELL LEE,
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 323. To amend Sections 2-10-21 and 2-10-23, Code of Alabama 1975, by raising initial permit fees of associations to $25.00; to require annual renewal permit fees of $25.00 for associations; to provide that annual renewal fees are payable for branch offices.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the Report of the Committee on Conference appointed to reconcile the disagreement of the two Houses on the Senate amendment to the Bill:

H. 395. To amend Section 28-7-16, Code of Alabama 1975, relating to the levy, the collection, and the disposition of the proceeds of the tax on the sale of table wine, so as to provide further therefor.

And said Bill, H. B. 395, together with the Conference Report, is herewith returned to the House.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 380. COMMENDING THE EMPLOYEES OF THE CIBA-GEIGY CORPORATION'S McINTOSH, ALABAMA, PLANT.

Also:

H. J. R. 437. HONORING MS. MARY J. HANSEN UPON RECEIVING THE DISTINGUISHED TEACHING ACHIEVEMENT AWARD.

Also:

H. J. R. 445. MOURNING THE UNTIMELY DEATH OF JOE R. SIMMONS OF JASPER, ALABAMA.

Also:

H. J. R. 446. HONORING JUDGE JAMES C. BROTHERTON OF JASPER, ALABAMA.

Also:

H. J. R. 447. MOURNING THE DEATH OF DAVIS SMITH "SON" HUMPHRIES OF JASPER, ALABAMA.

Also:

H. J. R. 449. COMMENDING MAYOR RALPH W. SEARS OF MONTEVALLO, ALABAMA.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 432. EXPRESSING THE LEGISLATURE'S APPRECIATION TO THE UNIVERSITY OF SOUTH ALABAMA AND TO THE MOBILE AND BALDWIN COUNTY DELEGATIONS.

McDOWELL LEE
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 626. To amend Sections 34-29-20, 34-29-21, 34-29-23, and 34-29-41, Code of Alabama 1975, relating to the Board of Veterinary Medical Examiners, so as to provide for an executive secretary and to delete references to the secretary-treasurer.

Also:

H. 133. To provide for emergency telephone call boxes on Interstate Highway 65 between Montgomery and Mobile and appropriates necessary funds.

McDOWELL LEE
Secretary.

H. 491 RESUMED

AMENDMENT OFFERED

Rep. Rice offered the following amendment #2 to the bill, H. 491:

On page 5, line 29, delete the figure "$2.00" and insert in lieu thereof:

$1.50

AMENDMENT TABLED

On motion of Rep. Sasser, the amendment offered by Rep. Rice to the bill, H. 491, was tabled.

Yeas 44; Nays 39.

Yeas:

Mr. Speaker, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Browder, Bryant, Butler, Campbell, Casey, Coburn, Cosby, Crow, Davis, Escott, Flowers, Hammett, Howard, Johnson (R.G.), Johnson (Roy), Junkins, Laird, Lauderdale, Manley, Melton, Minus, Mitchell, Moore, Newman, Owens, Parker, Rains, Reed, Richardson, Sasser, Turner, Turnham, Venable, Warren, White (F) and White (L)

—44

Nays:

Reps.: Adams, Albright, Brakefield, Brooks, Carter, Clikas, Coleman, Ford, Freeman, Gaston, Goodwin, Grimsley, Hall, Hettinger, Holley, Johnson (A.L.), Kvalheim, Layton, Lewis, McKee, McMillan, Martin, Mathis, Murphy, Payne, Poole, Rice, Seibels, Smith, Starkey, Starr, Stout, Thornton, Trammell, Tucker, Waggoner, Williams, Wilson and Wright.

—39

MOTION TO TEMPORARILY POSTPONE

Rep. Howard offered the motion to temporarily postpone further consideration of the bill, H. 491.

MOTION TO TABLE

Rep. Sasser offered the motion to table the motion offered by Rep. Howard to temporarily postpone further consideration of the bill, H. 491.

SUBSTITUTE MOTION LOST

The substitute motion offered by Rep. Albright to indefinitely postpone the bill, H. 491, was lost.

Yeas 28; Nays 55.

Yeas:

Reps.: Adams, Albright, Ashley, Brakefield, Clikas, Freeman, Gaston, Goodwin, Grimsley, Hall, Harper, Hettinger, Kvalheim, Lewis, McKee, McMillan, Moore, Payne, Rains, Seibels, Starkey, Starr, Thornton, Trammell, Tucker, Williams, Wilson and Wright.

—28

Nays:

Mr. Speaker, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Browder, Bryant, Buskey, Butler, Campbell, Carter, Casey, Coburn, Coleman, Cosby, Crow, Davis, Ford, Hammett, Holley, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Laird, Lauderdale, Manley, Melton, Minus, Mitchell, Murphy, Newman, Owens, Parker, Penry, Poole, Reed, Rice, Richardson, Sasser, Smith, Stout, Turner, Turnham, Venable, Waggoner, Warren, White (F) and White (L)

—55

MOTION TABLED

The question was then on the motion offered by Rep. Sasser to table the motion offered by Rep. Howard to temporarily postpone further consideration of the bill, H. 491, and the motion to table was adopted.

Yeas 49; Nays 23.

Yeas:

Mr. Speaker, Bennett, Biddle, Blake, Blakeney, Bowling, Box, Butler, Campbell, Carter, Casey, Coburn, Coleman, Cosby, Crow, Davis, Ford, Grimsley, Hammett, Harper, Holley, Horn, Johnson (Roy), Junkins, Kennedy, Laird, Langford, Lauderdale, Manley, Melton, Minus, Mitchell, Moore, Murphy, Newman, Owens, Parker, Poole, Rains, Reed, Richardson, Sasser, Turner, Turnham, Venable, Warren, White (F), White (L) and Wilson.

—49

Nays:

Reps.: Albright, Ashley, Brakefield, Bryant, Freeman, Goodwin, Hall, Hettinger, Johnson (R.G.), Layton, Lewis, McKee, McMillan, Payne, Seibels, Smith, Starkey, Starr, Trammell, Tucker, Waggoner, Williams and Wright.

—23

AMENDMENT OFFERED

Reps. Butler and Reed offered the following amendment to the bill, H. 491:

Immediately following Section 9 on page 13, line 17, insert the following new section 10 and renumber remaining sections accordingly:

Section 10. Any funds collected pursuant to Sections 40-22-1 and 40-22-2, Code of Alabama 1975, which are not otherwise earmarked shall be earmarked and used exclusively for the Alabama Medicaid Agency in the State General Fund.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 89; Nays 2.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Browder, Bryant, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drinkard, Dutton, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Hall, Hammett, Harper, Hettinger, Holley, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Junkins, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Mathis, Melton, Mitchell, Moore, Murphy, Newman, Nicholson, Parker, Payne, Poole, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and

Zoghby.

—89

Nays: Reps.: Brooks and Minus. —2

AMENDMENT OFFERED

Rep. Stout offered the following amendment #1 to the bill, H. 491 as amended:

On page 11, line 26, after the period, insert the following language: Provided, however, notwithstanding any provision of this act or law to the contrary, no probate judge in this state who is paid on a fee basis shall be entitled to receive as personal compensation an amount greater than $32,000.00 per annum.

AMENDMENT TABLED

On motion of Rep. Sasser, the amendment #1 offered by Rep. Stout to the bill, H. 491 as amended, was tabled.

Yeas 44; Nays 22.

Yeas:

Mr. Speaker, Biddle, Blake, Blakeney, Box, Browder, Campbell, Carter, Casey, Clark, Coburn, Coleman, Cosby, Crow, Davis, Drinkard, Ford, Hammett, Holley, Horn, Johnson (Roy), Junkins, Laird, Lauderdale, Manley, Melton, Minus, Moore, Murphy, Nevett, Newman, Owens, Poole, Reed, Richardson, Rogers, Sasser, Smith, Thornton, Trammell, Turner, Turnham, Venable and White (L)

—44

Nays:

Reps.: Adams, Brakefield, Brooks, Bryant, Butler, Freeman, Gaston, Hall, Hettinger, Howard, Johnson (R.G.), Kvalheim, McKee, McMillan, Parker, Payne, Penry, Rains, Rice, Williams, Wilson and Wright.

—22

AMENDMENT OFFERED

Rep. Stout offered the following amendment #2 to the bill, H. 491 as amended:

Amend House Bill 491, page 11, line 15, after the word "receive" by striking ~~five seven and one-half~~ and inserting in lieu thereof five.

And on page 11, line 18, after the word "said" by striking ~~five seven and one-half~~ and inserting in lieu thereof five.

AMENDMENT ADOPTED.

And the amendment was adopted.

Yeas 79; Nays 2.

Yeas:

Mr. Speaker, Adams, Ashley, Biddle, Blake, Blakeney, Bowling, Box, Brakefield, Browder, Bryant, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Cosby, Crow, Davis, Drinkard, Ford, Freeman, Gaston, Goodwin, Grimsley, Hall, Hammett, Hettinger, Holley, Horn,

Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Lewis, McKee, McMillan, Manley, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Owens, Parker, Payne, Poole, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Starkey, Stout, Thornton, Trammell, Turner, Turnham, Venable, Waggoner, Warren, White (L), Williams, Wilson and Wright.

—79

Nays: Reps.: Howard and Tucker. —2

MOTION TO POSTPONE TABLED

On motion of Rep. Sasser, the motion offered by Rep. Penry to postpone further consideration of the bill, H. 491 as amended, for forty-five minutes, was tabled.

Yeas 46, Nays 39.

Yeas:

Mr. Speaker, Bennett, Biddle, Blake, Blakeney, Boles, Box, Browder, Butler, Campbell, Carter, Casey, Coburn, Cosby, Crow, Davis, Drinkard, Hammett, Holley, Howard, Johnson (Roy), Junkins, Kennedy, Laird, Lauderdale, Manley, Melton, Minus, Moore, Nevett, Newman, Owens, Parker, Poole, Reed, Richardson, Rogers, Sasser, Thornton, Tucker, Turner, Turnham, Venable, Warren, White (L) and Zoghby.

—46

Nays:

Reps.: Adams, Albright, Ashley, Brakefield, Brooks, Bryant, Carothers, Clikas, Coleman, Faulk, Ford, Freeman, Gaston, Goodwin, Grimsley, Hall, Hettinger, Johnson (R.G.), Kvalheim, Layton, Lewis, McKee, McMillan, Mathis, Murphy, Payne, Penry, Rains, Rice, Seibels, Smith, Starkey, Starr, Stout, Trammell, Waggoner, Williams, Wilson and Wright.

—39

AMENDMENT OFFERED

Rep. Stout offered the following amendment #3 to the bill, H. 491 as amended:

On page 11, line 26, after the period, insert the following language: Provided, however, notwithstanding any provision of this act or law to the contrary, no probate judge in this state who is paid on a fee basis shall be entitled to receive as personal compensation an amount greater than $67,200.00 per annum.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 67; Nays 7.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Browder, Buskey, Carothers, Carter, Casey, Clikas, Coburn, Coleman, Crow, Davis, Drinkard, Faulk, Ford, Gaston, Goodwin, Grimsley, Horn, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Lauderdale, Layton, McKee, McMillan,

Manley, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Parker, Poole, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Starkey, Stout, Thornton, Trammell, Turner, Turnham, Venable, Waggoner, Warren, White (L), Williams, Wright and Zoghby.

—67

Nays: Reps.: Brooks, Bryant, Butler, Freeman, Holley, Melton and Rains. —7

And the bill, H. 491 as amended, was read a third time at length and passed.

Yeas 52; Nays 36.

Yeas:

Mr. Speaker, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Browder, Bryant, Butler, Campbell, Carter, Casey, Coburn, Crow, Davis, Drinkard, Hammett, Holley, Horn, Johnson (Roy), Junkins, Kennedy, Laird, Lauderdale, Manley, Melton, Minus, Mitchell, Moore, Nevett, Newman, Owens, Parker, Poole, Reed, Richardson, Rogers, Sasser, Smith, Stout, Thomas, Thornton, Turner, Turnham, Venable, Warren, White (F), White (L) and Zoghby.

Nays:

Reps.: Adams, Albright, Brooks, Carothers, Clikas, Coleman, Cosby, Faulk, Ford, Freeman, Gaston, Goodwin, Grimsley, Hettinger, Howard, Johnson (A.L.), Johnson (R.G.), Kvalheim, Langford, Layton, Lewis, McKee, McMillan, Mathis, Murphy, Payne, Rains, Rice, Seibels, Starkey, Starr, Trammell, Waggoner, Williams, Wilson and Wright.

—36

MOTION TO SUSPEND RULE LOST

The motion offered by Rep. Sasser to suspend Rule 4(4) in order to transmit the bill, H. 491 as amended, to the Senate, was lost, lacking a four-fifths vote.

Yeas 55; Nays 35.

Yeas:

Mr. Speaker, Albright, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Browder, Bryant, Butler, Campbell, Carter, Casey, Clark, Coburn, Crow, Davis, Drinkard, Hammett, Holley, Horn, Howard, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Laird, Lauderdale, Manley, Melton, Minus, Mitchell, Moore, Nevett, Newman, Owens, Parker, Poole, Reed, Richardson, Rogers, Sasser, Smith, Stout, Thornton, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L) and Zoghby.

—55

Nays:

Reps.: Adams, Ashley, Brakefield, Brooks, Carothers, Clikas, Coleman, Cosby, Faulk, Ford, Freeman, Gaston, Goodwin, Grimsley, Hall, Hettinger, Johnson (A.L.), Kvalheim, Langford, Lewis, McKee, McMillan, Mathis, Murphy, Payne, Penry, Rains, Rice, Seibels, Starkey, Starr, Trammell, Williams, Wilson and Wright.

—35

And the bill:

S. 468. To provide a statement of public policy and legislative intent underlying its enactment; to provide that the measure of damages in any civil action for the unauthorized extraction, severance, injury or removal of coal from land performed in good faith shall be the fair market value of the coal in place before severance as of the time of extraction, severance, injury or removal; to provide that the measure of damages in all other civil actions for the unauthorized extraction, severance, injury or removal of coal shall be the fair market value of the coal after severance, at the time and place of severance, without allowance for labor and expenses; to provide for its retroactive application; to provide for the severability of the provisions of this Act; and to provide for the manner in which it shall become law.

Was read a third time at length and passed.

Yeas 77; Nays 3.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Browder, Bryant, Buskey, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Crow, Davis, Drinkard, Faulk, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Holley, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, McKee, McMillan, Mathis, Melton, Mitchell, Murphy, Nevett, Newman, Parker, Penry, Poole, Rice, Richardson, Sasser, Seibels, Smith, Starkey, Starr, Thomas, Thornton, Trammell, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby

—77

Nays: Reps. Brooks, Manley and Payne. —3

And the bill:

H. 868. To amend Section 12-15-6, Code of Alabama 1975, so as to specifically provide that a juvenile court judge may delegate authority to perform certain judicial and quasi-judicial actions to the juvenile court referee in the absence of the juvenile court judge or at any time that the judge feels such delegation to be necessary to the efficient operation of the court and to provide an effective date.

Was read a third time at length and passed.

Yeas 80; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Blake, Blakeney, Bowling, Box, Brooks, Browder, Bryant, Butler, Campbell, Carothers, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Faulk, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Hettinger, Holley, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, McKee, McMillan, Manley, Mathis, Melton, Mitchell, Murphy, Nevett, Newman, Owens, Parker, Penry, Poole, Rains, Reed, Rice, Richardson, Sasser, Seibels, Smith, Starkey, Starr, Thomas, Thornton, Trammell, Turner, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

—80

MOTION TO SUSPEND RULE ADOPTED

On motion of Rep. Johnson (Roy), Rule 4(4) was suspended in order to transmit the bill, H. 868, to the Senate.

And the bill, H. 868, was ordered sent forthwith to the Senate without engrossment.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Penry, the rules were suspended in order to take up out of order the bill, H. 551.

And the bill:

H. 551. To appropriate to the State Board of Chiropractic Examiners from its separate fund in the General Fund of the State Treasury $10,000 for the purpose of the general operation of that board for the fiscal year ending September 30, 1983 in addition to any and all other appropriations heretofore or hereafter made to the Board of Chiropractic Examiners; and to provide for an effective date.

Was read a third time at length and passed.

Yeas 84; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Blake, Blakeney, Boles, Bowling, Box, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drinkard, Faulk, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Hettinger, Holley, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, McKee, McMillan, Manley, Mathis, Melton, Mitchell, Murphy, Nevett, Newman, Owens, Parker, Penry, Poole, Rains, Rice, Richardson, Sasser, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

—84

MOTION TO SUSPEND RULE ADOPTED

On motion of Rep. Penry, Rule 4(4) was suspended in order to transmit the bill, H. 551, to the Senate.

And the bill, H. 551, was ordered sent forthwith to the Senate without engrossment.

And the bill:

S. 97. To amend Section 7-9-204 of the Code of Alabama, 1975, relating to security agreements in connection with after-acquired property and future advances so as to provide that as relates to agriculture, a security agreement may provide that any and all obligations covered by the security agreement are to be secured by after-acquired collateral including without limitation all seed and all crops and the seed and agricultural products from any such crops growing or crops to be grown, whether they become such more or less than one year after the security agreement is executed and whether the security agreement is given in conjunction with a lease, a land purchase or improvement transaction or not.

Was read a third time at length and passed.

Yeas 72; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Box, Brakefield, Brooks, Bryant, Buskey, Butler, Carothers, Carter, Clark, Clikas, Coleman, Crow, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Hettinger, Holley, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, McMillan, Mathis, Moore, Murphy, Nevett, Newman, Owens, Parker, Payne, Penry, Poole, Rains, Rice, Richardson, Sasser, Seibels, Smith, Starkey, Starr, Thomas, Thornton, Trammell, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson and Wright.

—72

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 523. To authorize local city and county boards of education to establish reasonable compensation plans for members.

McDOWELL LEE,
Secretary.

SPECIAL ORDER RESUMED

And the bill:

S. 188. To amend Sections 40-6-1, 40-6-3, 40-6-4, and 40-6-5, Code of Alabama 1975, so as to reduce the minimum requirements for qualification as supernumerary official created in said Sections, reduce the benefits payable for the minimum qualifications with a step increase to the maximum benefit provided for additional years service, to remove certain limitations, to increase the contribution paid in by officials participating in such program, and to establish a deadline for electing to participate in the program.

Was taken up.

MOTION TO INDEFINITELY POSTPONE LOST

The motion offered by Rep. Payne to indefinitely postpone the bill, S. 188, was lost.

Yeas 22; Nays 62.

Yeas:

Reps.: Boles, Box, Brakefield, Brooks, Butler, Campbell, Carter, Drinkard, Ford, Freeman, Layton, Lewis, McKee, McMillan, Murphy, Payne, Penry, Rains, Seibels, Thornton, Trammell and Wright.

—22

Nays:

Mr. Speaker, Adams, Ashley, Bennett, Blake, Blakeney, Browder, Bryant, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Escott, Faulk,

Gaston, Goodwin, Grouby, Hall, Hammett, Harper, Hettinger, Holley, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Laird, Langford, Lauderdale, Manley, Melton, Minus, Moore, Newman, Nicholson, Owens, Parker, Poole, Reed, Rice, Richardson, Sasser, Starkey, Starr, Stout, Thomas, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson and Zoghby.

—62

And the bill, S. 188, was read a third time at length and passed.

Yeas 63; Nays 22.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Biddle, Blake, Blakeney, Browder, Bryant, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drinkard, Escott, Faulk, Gaston, Goodwin, Grimsley, Grouby, Hammett, Harper, Holley, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins Kennedy, Kvalheim, Laird, Langford, Lauderdale, Manley, Melton, Minus, Moore, Newman, Nicholson, Owens, Parker, Poole, Reed, Rice, Richardson, Sasser, Starkey, Starr, Stout, Thomas, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson and Zoghby.

—63

Nays:

Reps.: Boles, Box, Brakefield, Brooks, Butler, Campbell, Carter, Ford, Freeman, Hettinger, Layton, Lewis, McKee, McMillan, Murphy, Payne, Penry, Rains, Seibels, Thornton, Trammell and Wright.

—22

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills and House Joint Resolutions, to-wit:

H. 133. To provide for emergency telephone call boxes on Interstate Highway 65 between Montgomery and Mobile and appropriates necessary funds.

Also:

H. 323. To amend Sections 2-10-21 and 2-10-23, Code of Alabama 1975, by raising initial permit fees of associations to $25.00; to require annual renewal permit fees of $25.00 for associations; to provide that annual renewal fees are payable for branch offices.

Also:

H. 395. To amend Section 28-7-16, Code of Alabama 1975, relating to the levy, the collection, and the disposition of the proceeds of the tax on the sale of table wine, so as to provide further therefor.

Also:

H. 626. To amend Sections 34-29-20, 34-29-21, 34-29-23, and 34-29-41, Code of Alabama 1975, relating to the Board of Veterinary Medical Examiners, so as to provide for an executive secretary and to delete references to the secretary-treasurer.

Also:

H. J. R. 380. COMMENDING THE EMPLOYEES OF THE CIBA-GEIGY CORPORATION'S McINTOSH, ALABAMA, PLANT.

Also:

H. J. R. 432. EXPRESSING THE LEGISLATURE'S APPRECIATION TO THE UNIVERSITY OF SOUTH ALABAMA AND TO THE MOBILE AND BALDWIN COUNTY DELEGATIONS.

And finds same correctly enrolled.

JOHN S. CASEY,
Chairman.

SIGNING OF BILLS AND HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills and House Joint Resolutions, the titles of which are set out in the above and foregoing Report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 437. HONORING MS. MARY J. HANSEN UPON RECEIVING THE DISTINGUISHED TEACHING ACHIEVEMENT AWARD.

Also:

H. J. R. 445. MOURNING THE UNTIMELY DEATH OF JOE R. SIMMONS OF JASPER, ALABAMA.

Also:

H. J. R. 446. HONORING JUDGE JAMES C. BROTHERTON OF JASPER, ALABAMA.

Also:

H. J. R. 447. MOURNING THE DEATH OF DAVIS SMITH "SON" HUMPHRIES OF JASPER, ALABAMA.

Also:

H. J. R. 449. COMMENDING MAYOR RALPH W. SEARS OF MONTEVALLO, ALABAMA.

And finds same correctly enrolled.

JOHN S. CASEY,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the

above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 523. To authorize local city and county boards of education to establish reasonable compensation plans for members.

And finds same correctly enrolled.

JOHN S. CASEY,
Chairman.

SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

SPECIAL ORDER RESUMED

And the bill:

S. 210. To amend Section 17-16-6, Code of Alabama 1975, which relates to the time and place for holding primary elections, except special primary elections and presidential preference primaries, so as to provide that primary elections shall be held on the first Tuesday in June, and a runoff election, if necessary, shall be held on the fourth Tuesday thereafter, effective June 5, 1984, and thereafter.

Was taken up.

S. 210 INDEFINITELY POSTPONED

On motion of Rep. Manley, the bill, S. 210, was indefinitely postponed.

Yeas 52; Nays 28.

Yeas:

Reps.: Adams, Box, Brakefield, Brooks, Bryant, Buskey, Campbell, Carothers, Clikas, Coleman, Cosby, Escott, Freeman, Gaston, Grimsley, Hall, Hammett, Harper, Johnson (A.L.), Johnson (R.G.), Laird, Langford, Lauderdale, Layton, Lewis, McMillan, Manley, Mathis, Melton, Minus, Murphy, Newman, Nicholson, Owens, Payne, Rains, Rice, Richardson, Sasser, Seibels, Starkey, Starr, Thomas, Thornton, Trammell, Turnham, Venable, Waggoner, White (L), Williams, Wilson and Wright.

—52

Nays:

Mr. Speaker, Albright, Ashley, Bennett, Blake, Browder, Butler, Carter, Casey, Clark, Coburn, Drinkard, Ford, Goodwin, Grouby, Hettinger, Holley, Johnson (Roy), Junkins, Kennedy, Martin, Moore, Parker, Poole, Stout, Tucker, Turner and Warren.

—28

PERMISSION GRANTED

Permission was granted for the Journal to show that Rep. Smith would have voted "Yea" on the bill, S. 188, had he been present at the time of voting.

MOTION TO RECONSIDER TABLED

Having voted on the prevailing side, Rep. Manley offered the motion to reconsider the vote by which the bill, S. 210, was indefinitely postponed, and to table his motion to reconsider the vote, and the motion to table was adopted.

Yeas 52; Nays 25.

Yeas:

Reps.: Adams, Box, Brakefield, Brooks, Bryant, Buskey, Butler, Campbell, Carothers, Clikas, Coleman, Cosby, Flowers, Freeman, Gaston, Grimsley, Hall, Hammett, Harper, Johnson (R.G.), Laird, Langford, Lauderdale, Layton, Lewis, McMillan, Manley, Mathis, Minus, Murphy, Newman, Nicholson, Owens, Payne, Rains, Rice, Richardson, Sasser, Seibels, Smith, Starkey, Starr, Thomas, Thornton, Trammell, Turnham, Venable, Waggoner, White (L), Williams, Wilson and Wright.

—52

Nays:

Mr. Speaker, Albright, Ashley, Bennett, Blake, Browder, Carter, Casey, Clark, Coburn, Drinkard, Ford, Goodwin, Hettinger, Holley, Johnson (Roy), Junkins, Kennedy, Martin, Moore, Parker, Poole, Tucker, Turner and Warren.

—25

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 84. Relating to Jefferson County, City of Birmingham and the State of Alabama; providing further for an additional expense allowance of the two (2) Associate Board Members of the Jefferson County Board of Equalization and Adjustments, payable from the general funds of Jefferson County, from the general funds of the City of Birmingham and from the general funds of the State of Alabama; providing for an expiration date; to make the provisions of this Act retroactive to June 1, 1982.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Waggoner, the House concurred in and adopted the Senate amendment to the bill, H. 84, said Senate amendment being as follows:

A BILL
TO BE ENTITLED
AN ACT

Relating to Jefferson County and the State of Alabama; providing further for an additional expense allowance of the two (2) Associate Board Members of the Jefferson County Board of Equalization and Adjustments, payable from the general funds of Jefferson County and from the general funds of the State of Alabama; and making the provisions of this Act retroactive to June 1, 1982.

Be it Enacted by the Legislature of Alabama:

Section 1. In Jefferson County, the two (2) Associate Board Members of the Jefferson County Board of Equalization and Adjustments, are hereby entitled to receive an additional annual expense allowance of $12,000 each. Said expense allowance shall be in addition to any and all other compensation, salary and expense allowances heretofore provided by law and shall be payable 77½ % from the general funds of Jefferson County and 22½ % from the general funds of the State of Alabama in the same manner as other officials of each of these entities are paid.

Section 2. All laws or parts of laws which conflict with this Act are hereby repealed only to the extent of such conflict.

Section 3. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. The provisions of this act shall be effective as of June 1, 1982.

Yeas 23; Nays 0.

Yeas:

Mr. Speaker, Ashley, Bennett, Biddle, Bryant, Campbell, Coleman, Davis, Goodwin, Horn, Lauderdale, Layton, Manley, Moore, Murphy, Owens, Rains, Reed, Rogers, Starkey, Tucker, Waggoner and Wright.

—23

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 84. Relating to Jefferson County and the State of Alabama; providing further for an additional expense allowance of the two (2) Associate Board Members of the Jefferson County Board of Equalization and Adjustments, payable from the general funds of Jefferson County and from the general funds of the State of Alabama; and making the provisions of this Act retroactive to June 1, 1982.

As thus amended was again read at length and passed.

Yeas 18; Nays 3.

Yeas:

Reps.: Bennett, Biddle, Bryant, Campbell, Coleman, Davis, Flowers, Horn,

Langford, Layton, Manley, Moore, Rains, Reed, Rogers, Tucker, Waggoner and Wright.

—18

Nays: Reps.: Lewis, Payne and Trammell. —3

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

SPECIAL ORDER RESUMED

And the bill:

S. 227. To create a preretirement death benefit program which shall be effective to all employees covered under the Teachers' Retirement System of Alabama and the Employees' Retirement System of Alabama and to provide for the administration thereof. To give the boards of control authority to provide said death benefit in the form of group life insurance upon determination that to do so would generate a more favorable tax treatment to the beneficiaries to whom said benefit is payable, and to provide for the implementation of said program. To further provide and define the corporate powers and status of the Teachers' Retirement System and the Employees' Retirement Systems.

Was read a third time at length and passed.

Yeas 66; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Butler, Carter, Clark, Clikas, Coleman, Cosby, Davis, Dutton, Faulk, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Hettinger, Holley, Horn, Howard, Johnson (A.L.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Martin, Melton, Mitchell, Newman, Nicholson, Owens, Parker, Poole, Rains, Reed, Rice, Richardson, Rogers, Seibels, Smith, Starkey, Starr, Trammell, Turner, Venable, Warren, White (F), Williams, Wilson and Zoghby.

—66

And the bill:

S. 239. To provide further for the expenses of the president and associate commissioners of the Alabama Public Service Commission.

Was read a third time at length and passed.

Yeas 74; Nays 2.

Yeas:

Mr. Speaker, Adams, Ashley, Biddle, Blake, Boles, Bowling, Box, Brakefield, Browder, Bryant, Butler, Campbell, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drinkard, Escott, Faulk, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Hettinger, Holley, Horn, Howard, Johnson (A.L.), Johnson (Roy), Kennedy, Kvalheim, Laird, Langford, Lauderdale, McMillan, Manley, Martin,

Melton, Minus, Mitchell, Moore, Newman, Nicholson, Owens, Parker, Poole, Reed, Rice, Richardson, Rogers, Seibels, Smith, Starkey, Starr, Trammell, Tucker, Turner, Venable, Warren, White (F), White (L), Williams and Wilson.

—74

Nays: Reps.: Brooks and Junkins. —2

RESOLUTIONS

The following resolutions were introduced:

By Reps. White (L), Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drake, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Warren, White (F), Williams, Wilson, Wright and Zoghby:

H. J. R. 453. COMMENDING OUR COLLEAGUE REPRESENTATIVE RICK MANLEY OF DEMOPOLIS.

WHEREAS, the 37th annual meeting of the Southern Legislative Conference of the Council of State Governments was held in Savannah, Georgia, July 17-21, 1983; and

WHEREAS, as a result of conference elections, the Alabama Legislature has taken a leadership role in activities and affairs of SLC with the placement of three of our colleagues in influential office; and

WHEREAS, it is especially to be noted that Representative Rick Manley of Demopolis was elected to the prestigious office of vice chairman, a position in ascendancy to the chairmanship, of the entire Southern Conference, a 16-member geographical entity of the Council of State Governments; and

WHEREAS, also elected to leadership roles were Representatives Bobby C. Crow and Nolan Williams who will serve respectively as vice chairman of the Consumer Protection Committee, and as vice chairman of the Committee on Human Resources and Urban Affairs; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby both heartily congratulate and commend with pride our good friend and colleague, Representative Rick Manley of Demopolis.

BE IT FURTHER RESOLVED, That Mr. Manley be presented with a copy of this resolution in token of our friendship, but most particularly in expression of our personal pleasure in his accomplishment.

On motion of Rep. White (L), the rules were suspended and the resolution, H. J. R. 453, was adopted.

Also:

By Reps. White (L), Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Davis, Drake, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Warren, White (F), Williams, Wilson, Wright and Zoghby:

H. J. R. 454. COMMENDING OUR COLLEAGUE REPRESENTATIVE BOBBY C. CROW OF ANNISTON.

WHEREAS, the 37th annual meeting of the Southern Legislative Conference, a 16-member geographical entity of the Council of State Governments, was held in Savannah, Georgia, July 17-21, 1983; and

WHEREAS, as a result of conference elections, the Alabama Legislature has taken a leadership role in activities and affairs of SLC with the placement of three of our colleagues in influential office; and

WHEREAS, Representative Bobby C. Crow of Anniston was elected vice chairman of the Consumer Protection Committee, one of SLC's standing committees established to address the most critical issues in state government today; and

WHEREAS, also elected to leadership roles were Representative Rick Manley as conference vice chairman, and Representative Nolan Williams who will serve as vice chairman of the Committee on Human Resources and Urban Affairs; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby both heartily congratulate and commend with pride our good friend and colleague, Representative Bobby C. Crow of Anniston.

BE IT FURTHER RESOLVED, That Representative Crow be presented with a copy of this resolution, in token of our friendship, but most particularly in expression of our personal pleasure in his accomplishment.

On motion of Rep. White (L), the rules were suspended and the resolution, H. J. R. 454, was adopted.

Also:

By Reps. White (L), Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drake, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton,

Lewis, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Warren, White (F), Wilson, Wright and Zoghby:

H. J. R. 455. COMMENDING OUR COLLEAGUE REPRESENTATIVE NOLAN WILLIAMS OF NEWTON.

WHEREAS, the 37th annual meeting of the Southern Legislative Conference, a 16-member geographical entity of the Council of State Governments, was held in Savannah, Georgia, July 17-21, 1983; and

WHEREAS, as a result of conference elections, the Alabama Legislature has taken a leadership role in activities and affairs of SLC with the placement of three of our colleagues in influential office; and

WHEREAS, Representative Nolan Williams of Newton was elected vice chairman of the Committee on Human Resources and Urban Affairs, one of SLC's standing committees established to address the most critical issues in state government today; and

WHEREAS, also elected to leadership roles were Representative Rick Manley as conference vice chairman, and Representative Bobby C. Crow who will serve as vice chairman of the Consumer Protection Committee; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby both heartily congratulate and commend with pride our good friend and colleague, Representative Nolan Williams of Newton.

BE IT FURTHER RESOLVED, That Representative Williams be presented with a copy of this resolution, in token of our friendship, but most particularly in expression of our personal pleasure in his accomplishment.

On motion of Rep. White (L), the rules were suspended and the resolution, H. J. R. 455, was adopted.

Also:

By Reps. Waggoner, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drake, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turner, Turnham, Venable, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby:

H. J. R. 456. COMMENDING JEAN ELKINS CHENAULT FOR HER OUTSTANDING WORK FOR THE STATE OF ALABAMA.

WHEREAS, The Alabama Legislature notes that Jean Elkins Che-

nault, a native of Florence, Alabama, has in her responsibilities as welcome center hostess, Ardmore Welcome Center manager, Montgomery-Capitol Complex Welcome Center Manager and Tourist Information Regional Supervisor-Montgomery, with the Bureau of Publicity and Information since 1977, travelled throughout the State of Alabama and to other states, and has represented the State of Alabama and its attractions in an enthusiastic, dedicated, articulate and professional manner before hundreds of visitors; and

WHEREAS, Jean Elkins Chenault has zealously given her time and talents to many civic, religious and charitable endeavors for the betterment of her community; and

WHEREAS, Jean Elkins Chenault has earned many recognitions and commendations for her many contributions; and

WHEREAS, Jean Elkins Chenault will leave state service to return to Florence, Alabama, in the near future; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do heartily commend Jean Elkins Chenault for her outstanding and dedicated state service and congratulate her on her many achievements.

RESOLVED FURTHER, That a copy of this resolution be sent to Jean Elkins Chenault so that she may know of our congratulations and best wishes for her future endeavors.

On motion of Rep. Waggoner, the rules were suspended and the resolution, H. J. R. 456, was adopted.

Also:

By Reps. Harper, Gaston and Grouby:

H. R. 457. URGING THE SECRETARY OF THE NAVY TO DESIGNATE THE PORT OF MOBILE AS THE HOME PORT FOR A NEW CARRIER BATTLE GROUP.

WHEREAS, the Port of Mobile, along with several other variously located ports, is under consideration by the United States Navy as a possible additional home port for a new carrier battle group; and

WHEREAS, it is to be noted that Alabama's Port of Mobile will now or soon fully comply with all criteria to be evaluated in the selection process: its planned deepening to 55 feet will accommodate the larger new carriers; shipyard facilities are available to handle maintenance on the ship, as are airbase facilities for the 90 to 100 carrier aircraft; and sufficient housing is available in the area to accommodate all additional naval and civilian personnel and their families; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, That we hereby most respectfully urge the Secretary of the Navy to designate the Port of Mobile as the home port for one of our Navy's new carrier battle groups.

BE IT FURTHER RESOLVED, That the Clerk of the House, by copies of this resolution, shall advise the Secretary of the Navy, as well as each member of Alabama's Congressional Delegation of this request of the Alabama House.

On motion of Rep. Harper, the rules were suspended and the resolu-

tion, H. J. R. 457, was adopted.

PERMISSION GRANTED

Permission was granted for the Journal to show that Rep. Crow would have voted "Yea" on the bill, S. 227, had he been present at the time of voting.

SPECIAL ORDER RESUMED

And the bill:

H. 850. (With Amendment): To amend the "Council-Manager Act of 1982", so as to authorize the governing body of any Class 6 city, by resolution, to elect to have the form of government originally prescribed in this act or an alternate form, having a nine-member council, composed of one member elected at large and designated as mayor and eight members elected, two from each of the four districts into which the city is divided, by the qualified electors of the districts, respectively, providing for the time for the change in the form of government in such Class 6 cities, authorizing the council of such cities to elect a mayor pro tem, who in such cities will be in lieu of the second councilman-at-large elected in other cities governed by this act, limiting the power of the council of such Class 6 cities to remove a city manager, and making changes needed to reconcile other sections of said act with the above-described changes in the form of government hereby authorized; and, to provide for holding an election in 1983 on the question of the adoption of the council-manager form of government in any Class 6 municipality wherein the municipal governing body has elected to have a nine-member council, with the change in the form of government becoming operative on the first Monday in October 1986; and to limit the time during which this law shall supersede other laws.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 1, said committee amendment being as follows:

Amend H. B. 850 on Page 3, Line 22, by striking ~~Auburn~~

Further amend H. B. 850 on Page 11, Section 2, Line 27, by striking ~~Auburn~~

And the amendment was adopted.

Yeas 35; Nays 0.

Yeas:

Reps.: Adams, Ashley, Biddle, Blake, Brooks, Butler, Campbell, Carter, Clikas, Dutton, Gaston, Goodwin, Grimsley, Hall, Harper, Hettinger, Howard, Johnson (Roy), Junkins, Lauderdale, Moore, Nevett, Newman, Nicholson, Owens, Parker, Rains, Richardson, Starkey, Turnham, Venable, White (L), Williams, Wilson and Zoghby.

—35

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 850 as amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 55; Nays 1.

Yeas:

Reps.: Adams, Ashley, Biddle, Box, Brakefield, Brooks, Butler, Campbell, Carter, Clark, Clikas, Davis, Dutton, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Holley, Howard, Johnson (A.L.), Johnson (Roy), Junkins, Kennedy, Laird, Lauderdale, McMillan, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Poole, Rains, Reed, Rice, Richardson, Sasser, Starkey, Starr, Tucker, Turnham, Venable, Warren, White (L), Williams, Wilson and Zoghby.

—55

Nays. Rep. Albright. —1

And the bill:

S. 533. To amend the "Council-Manager Act of 1982", so as to authorize the governing body of any Class 6 city, by resolution, to elect to have the form of government originally prescribed in this act or an alternate form, having a nine-member council, composed of one member elected at large and designated as mayor and eight members elected, two from each of the four districts into which the city is divided, by the qualified electors of the districts, respectively, providing for the time for the change in the form of government in such Class 6 cities, authorizing the council of such cities to elect a mayor pro tem, who in such cities will be in lieu of the second councilman-at-large elected in other cities governed by this act, limiting the power of the council of such Class 6 cities to remove a city manager, and making changes needed to reconcile other sections of said act with the above-described changes in the form of government hereby authorized; and, to provide for holding an election in 1983 on the question of the adoption of the council-manager form of government in any Class 6 municipality wherein the municipal governing body has elected to have a nine-member council, with the change in the form of government becoming operative on the first Monday in October 1986; and to limit the time during which this law shall supersede other laws.

Was read a third time at length and passed.

Yeas 63; Nays 0.

Yeas:

Reps.: Adams, Ashley, Biddle, Blake, Box, Brooks, Browder, Buskey, Butler, Campbell, Carter, Clark, Clikas, Cosby, Crow, Davis, Dutton, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Hettinger, Holley, Howard, Johnson (A.L.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, McMillan, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Poole, Rains, Rice, Richardson, Sasser, Seibels, Starkey, Starr, Stout, Tucker, Turner, Turnham, Venable, Warren, White (L), Williams, Wilson, Wright and Zoghby.

—63

And the bill:

S. 233. (With Amendment): To provide that teachers and principals in each school shall develop a plan for the expenditure of instructional materi-

als and supply funds and to provide that such funds shall be allocated to the individual schools in each county and city by the board of education.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

Amend Senate Bill 233 in Section 2, page 2, line 6, by striking the word "plan" and inserting in lieu thereof the word:

budget

Yeas 83; Nays 0.

Yeas:

Reps.: Adams, Ashley, Bennett, Biddle, Blake, Blakeney, Box, Brakefield, Brooks, Browder, Bryant, Butler, Campbell, Carter, Clark, Clikas, Coleman, Crow, Davis, Dutton, Escott, Faulk, Flowers, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Hettinger, Holley, Horn, Howard, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McMillan, Manley, Martin, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Rice, Richardson, Rogers, Sasser, Seibels, Starkey, Starr, Stout, Thornton, Trammell, Tucker, Turner, Venable, Waggoner, Warren, White (F), White (L), Wilson, Wright and Zoghby.

—83

AMENDMENT OFFERED

Rep. Harper offered the following amendment to the bill, S. 233 as amended:

Amend S. B. 233, page 1, line 18, by deleting the word ~~plan~~ and inserting in lieu thereof the following: budget

Further amend S. B. 233, on page 1, line 33, after the word "a" by striking ~~plan~~ and inserting in lieu thereof the following: budget

Further amend S. B. 233, on page 1, line 35, after the word "a" by striking ~~plan~~ and inserting in lieu thereof the following: budget

Further amend S. B. 233, on page 1, line 34 before the word "instructional" insert the word for

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 86; Nays 0.

Yeas:

Reps.: Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Butler, Campbell, Carothers, Carter, Clark, Clikas, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Hettinger, Holley, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McMillan, Manley, Mathis, Melton, Minus, Mitchell, Moore,

Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Poole, Preuitt, Rains, Rice, Richardson, Rogers, Sasser, Seibels, Starr, Stout, Thornton, Trammell, Tucker, Turner, Venable, Waggoner, Warren, White (F), White (L), Wilson, Wright and Zoghby.

—86

And the bill, S. 233 as thus amended, was read a third time at length and passed.

Yeas 86; Nays 0.

Yeas:

Reps.: Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Butler, Campbell, Carothers, Carter, Clark, Clikas, Coleman, Cosby, Crow, Davis, Faulk, Flowers, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Hettinger, Holley, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Poole, Preuitt, Rains, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Starr, Stout, Thornton, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

—86

And the bill:

H. 230. (With Amendment): To amend Section 6-5-332, Code of Alabama 1975, which provides exemptions from civil liability for certain persons under particular circumstances, so as to exempt from liability those persons providing assistance in mitigating the effects of a discharge of hazardous materials.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Judiciary, said committee amendment being as follows:

Amend House Bill 230, page 3, by deleting lines 24, 25 and 26 in their entirety.

Further amend House Bill 230, page 3, line 23 by deleting the comma after the word "therefor" and inserting in lieu thereof a period.

And the amendment was adopted.

Yeas 74; Nays 0.

Yeas:

Reps.: Ashley, Bennett, Biddle, Blake, Blakeney, Bowling, Box, Brooks, Browder, Bryant, Butler, Carothers, Carter, Clikas, Coleman, Cosby, Crow, Davis, Faulk, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Hettinger, Holley, Horn, Howard, Johnson (Roy), Junkins, Kennedy, Kvalheim, Langford, Lauderdale, Layton, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Poole, Preuitt, Rains, Richardson, Rogers, Sasser, Seibels, Starr, Stout, Thornton, Trammell, Tucker, Turner, Venable, Waggoner, Warren, White (L), Williams, Wilson,

Wright and Zoghby.

—74

And the bill, H. 230 as thus amended, was read a third time at length and passed.

Yeas 76; Nays 0.

Yeas:

Reps.: Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Box, Brakefield, Brooks, Browder, Bryant, Butler, Campbell, Carothers, Carter, Clark, Clikas, Coleman, Cosby, Crow, Davis, Faulk, Flowers, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Hettinger, Holley, Horn, Howard, Johnson (R.G.), Johnson (Roy), Kennedy, Kvalheim, Laird, Langford, Layton, Lewis, McKee, McMillan, Manley, Martin, Melton, Minus, Moore, Murphy, Nevett, Newman, Owens, Payne, Poole, Preuitt, Rains, Richardson, Rogers, Sasser, Seibels, Starr, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

—76

MOTION TO SUSPEND RULE ADOPTED

On motion of Rep. Martin, Rule 4(4) was suspended in order to transmit the bill, H. 230, to the Senate.

And the bill, H. 230, was ordered sent forthwith to the Senate without engrossment.

And the bill:

S. 69. To amend Sections 36-7-20 and 36-7-22 of the Code of Alabama 1975 so as to further provide for the per diem allowance and mileage allowance for persons traveling on state business.

Was read a third time at length and passed.

Yeas 83; Nays 0.

Yeas:

Reps.: Adams, Albright, Ashley, Bennett, Biddle, Blake, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Butler, Campbell, Carothers, Carter, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Faulk, Flowers, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Hettinger, Holley, Horn, Howard, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Poole, Preuitt, Rains, Reed, Richardson, Rogers, Sasser, Starkey, Starr, Stout, Thornton, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson and Wright.

—83

And the bill:

S. 90. To amend Section 4 of Act No. 83-75 adopted at the First Session of 1983 of the Legislature of Alabama to provide for the refunding thereunder of any warrants issued by a county for the purpose of erecting necessary public buildings, bridges and roads.

Was read a third time at length and passed.

Yeas 77; Nays 0.

Yeas:

Reps.: Adams, Albright, Ashley, Biddle, Blake, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Clark, Coburn, Cosby, Davis, Faulk, Flowers, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Hettinger, Holley, Horn, Howard, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Langford, Lauderdale, Layton, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Parker, Penry, Poole, Preuitt, Richardson, Rogers, Sasser, Smith, Starkey, Starr, Stout, Thornton, tucker, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson and Wright.

—77

And the bill:

S. 63. To amend Section 11-50-411 of the Code of Alabama 1975 so as to provide further for the computation and disposition of the net income of gas districts incorporated pursuant to Article 12 of Chapter 50 of Title 11 of the Code of Alabama 1975, as amended.

Was read a third time at length and passed.

Yeas 76; Nays 2.

Yeas:

Reps.: Adams, Ashley, Blake, Blakeney, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Carothers, Carter, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Dutton, Faulk, Flowers, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Hettinger, Holley, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Langford, Lauderdale, Layton, McMillan, Mathis, Minus, Mitchell, Murphy, Nevett, Newman, Nicholson, Parker, Poole, Preuitt, Rains, Reed, Rice, Richardson, Sasser, Scott, Seibels, Smith, Starkey, Starr, Thomas, Thornton, Trammell, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson and Wright.

—76

Nays: Reps.: Harper and Manley. —2

MOTION TO SUSPEND RULES LOST

The motion offered by Rep. Brooks to suspend the rules in order to take up out of order the bill, H. 458, was lost.

Yeas 29; Nays 34.

Yeas:

Reps.: Brooks, Campbell, Clikas, Cosby, Freeman, Gaston, Grouby, Hall, Hammett, Harper, Hettinger, Johnson (R.G.), Kennedy, Kvalheim, McKee, McMillan, Manley, Minus, Murphy, Preuitt, Rains, Richardson, Rogers, Scott, Seibels, Turner, White (F), Wilson and Zoghby.

—29

Nays:

Reps.: Ashley, Blake, Blakeney, Box, Browder, Bryant, Buskey, Butler, Carter, Davis, Faulk, Flowers, Goodwin, Holley, Horn, Howard, Johnson (Roy), Junkins, Langford, Lauderdale, Layton, Martin, Nevett, Newman, Nicholson, Parker, Poole, Reed, Smith, Starkey, Thornton, Trammell, Tucker and White (L)

—34

And the bill:

H. 180. To amend Section 11-46-21, Code of Alabama 1975, so as to provide that regular municipal elections shall be held on the second Tuesday of July of each year in which the term of office of the mayor or a member of the governing body shall expire.

Was taken up.

SUBSTITUTE OFFERED

Rep. Martin offered the following substitute to the bill, H. 180:

A BILL
TO BE ENTITLED
AN ACT

To amend Section 11-46-21, Code of Alabama 1975, so as to provide that regular municipal elections shall be held on the second Tuesday of July of each year in which the term of office of the mayor of a member of the governing body shall expire unless provided otherwise by law.

Be it Enacted by the Legislature of Alabama:

Section 1. Section 11-46-21, Code of Alabama 1975, is amended to read as follows:

"§11-46-21. Time of holding regular, special and runoff elections; assumption of duties by officers elected; service until successors are elected and qualified.

"(a) The regular municipal elections in cities and towns shall be held, unless provided otherwise by law, on the second Tuesday in July 1980, and quadrennially thereafter and, when necessary as provided in subsection (d) of section 11-46-55, a second or runoff election shall be held, unless provided otherwise by law, on the third Tuesday next thereafter following said regular election.

"(b) Special elections shall be held on the second or fourth Tuesday of any month when ordered by the municipal governing body; provided, that notice of such election shall be published in the manner prescribed in section 11-46-22 on or before the corresponding Tuesday of the second month preceding the month in which the special election is to be held.

"(c) Municipal officers elected at regular elections shall assume the duties of their respective offices on the first Monday in October following their election unless otherwise provided in this article, or unless provided otherwise by law, and shall serve until their successors are elected and qualified."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 64; Nays 0.

Yeas:

Reps.: Ashley, Bennett, Blake, Bowling, Box, Brooks, Browder, Bryant, Butler, Carothers, Carter, Casey, Clikas, Coburn, Cosby, Crow, Faulk, Flowers, Gaston, Goodwin, Grimsley, Grouby, Hammett, Hettinger, Holley, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kvalheim, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Mathis, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Parker, Payne, Penry, Poole, Preuitt, Rains, Rice, Richardson, Smith, Starkey, Starr, Venable, Waggoner, Warren, White (L), Williams, Wilson and Wright.

—64

And the bill:

H. 180. To amend Section 11-46-21, Code of Alabama 1975, so as to provide that regular municipal elections shall be held on the second Tuesday of July of each year in which the term of office of the mayor or a member of the governing body shall expire unless provided otherwise by law.

As thus amended, was read a third time at length and passed.

Yeas 75; Nays 0.

Yeas:

Mr. Speaker, Ashley, Bennett, Blake, Blakeney, Bowling, Box, Brooks, Browder, Bryant, Butler, Carothers, Carter, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Faulk, Flowers, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hammett, Harper, Hettinger, Holley, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Langford, Lauderdale, Layton, Lewis, McKee, Martin, Mathis, Melton, Minus, Mitchell, Murphy, Newman, Nicholson, Payne, Poole, Preuitt, Rains, Reed, Rice, Richardson, Seibels, Smith, Starkey, Starr, Thomas, Thornton, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Warren, White (L), Williams, Wilson, Wright and Zoghby.

—75

MOTION TO SUSPEND RULE ADOPTED

On motion of Rep. Martin, Rule 4(4) was suspended in order to transmit the bill, H. 180, to the Senate.

And the bill, H. 180, was ordered sent forthwith to the Senate without engrossment.

And the bill:

S. 299. To amend Section 16-8-26, Code of Alabama 1975, which provides for personal leave for teachers, so as to provide further for said leave, and to provide for early retirement for unused accrued sick leave.

Was taken up.

AMENDMENT OFFERED

Rep. Turnham offered the following amendment to the bill, S. 299:

Amend Senate Bill 299 as Substituted on page 2, lines 12-14, by striking out Section 2 in its entirety and substituting in lieu thereof the following:

"Section 1 (a) of this Act shall become effective immediately upon its passage and approval by the Governor, or its otherwise becoming law."

"Section 1 (b) shall become effective October 1, 1984."

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 68; Nays 0.

Yeas:

Mr. Speaker, Ashley, Bennett, Biddle, Blake, Box, Brooks, Browder, Bryant, Butler, Carothers, Carter, Clark, Clikas, Cosby, Crow, Davis, Escott, Faulk, Gaston, Goodwin, Grimsley, Grouby, Hammett, Hettinger, Holley, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Langford, Lauderdale, Layton, Lewis, McKee, Mathis, Melton, Minus, Moore, Murphy, Newman, Parker, Payne, Penry, Poole, Preuitt, Rains, Rice, Richardson, Scott, Smith, Starkey, Starr, Thomas, Thornton, Trammell, Turner, Turnham, Venable, Waggoner, Warren, White (L), Williams, Wilson, Wright and Zoghby.

—68

And the bill, S. 299, as thus amended, was read a third time at length and passed.

Yeas 73; Nays 0.

Yeas:

Mr. Speaker, Albright, Ashley, Bennett, Biddle, Bowling, Box, Brooks, Browder, Bryant, Butler, Carothers, Carter, Clark, Coburn, Cosby, Crow, Davis, Escott, Faulk, Flowers, Gaston, Goodwin, Grimsley, Grouby, Hammett, Harper, Hettinger, Holley, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Langford, Lauderdale, Layton, Lewis, McKee, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Newman, Parker, Payne, Penry, Poole, Preuitt, Rains, Rice, Richardson, Scott, Seibels, Smith, Starkey, Starr, Thomas, Trammell, Turner, Turnham, Venable Waggoner, Warren, White (L), Williams, Wilson, Wright and Zoghby.

—73

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Johnson (Roy), the rules were suspended in order to take up out of order the bill, S. 224.

And the bill:

S. 224. To amend Section 8-21-5, Code of Alabama 1975, relating to franchise agreements between retailers engaged in the business of selling farm implements, and certain other farm equipment or parts, and wholesalers, manufacturers or distributors therefor, so as to provide further for the items exempt from the repurchase requirements.

Was read a third time at length and passed.

Yeas 74; Nays 0.

Yeas:

Mr. Speaker, Albright, Ashley, Bennett, Biddle, Blake, Box, Brooks, Browder, Bryant, Buskey, Butler, Carothers, Carter, Clark, Clikas, Coleman, Cosby, Crow, Davis, Dutton, Faulk, Flowers, Gaston, Goodwin, Grimsley, Grouby, Hammett, Harper, Hettinger, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Langford, Lauderdale, Layton, Lewis, Manley, Mathis, Melton, Minus, Moore, Murphy, Newman, Nicholson, Parker, Payne, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Scott, Seibels, Smith, Starkey, Starr, Thomas, Thornton, Trammell, Turner, Turnham, Venable, Waggoner, Warren, White (L), Williams, Wilson, Wright and Zoghby.

—74

PERMISSION GRANTED

Permission was granted for the Journal to show that Rep. Holley abstained from voting on the bill, S. 224, due to a possible conflict of interest.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 84. Relating to Jefferson County and the State of Alabama; providing further for an additional expense allowance of the two (2) Associate Board Members of the Jefferson County Board of Equalization and Adjustments, payable from the general funds of Jefferson County and from the general funds of the State of Alabama; and making the provisions of this Act retroactive to June 1, 1982.

And finds same correctly enrolled.

JOHN S. CASEY,
Chairman.

SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

SPECIAL ORDER RESUMED

And the bill:

H. 807. To amend Code § 22-6-4.2, Copayment for prescription drugs, to conform to the requirements of the Medicaid provisions of Public Law 97-248, the Tax Equity and Fiscal Responsibility Act of 1982.

Was read a third time at length and passed.

Yeas 85; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Clark, Coburn, Cosby, Crow, Davis, Dutton, Escott, Faulk, Gaston, Goodwin, Grimsley, Grouby, Hammett, Harper, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Laird, Langford, Lauderdale, Layton, McKee, Manley, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Newman, Nicholson, Parker, Penry, Poole, Reed, Rice, Richardson, Rogers, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

—85

MOTION TO SUSPEND RULE ADOPTED

On motion of Rep. Johnson (Roy), Rule 4(4) was suspended in order to transmit the bill, H. 807, to the Senate.

And the bill, H. 807, was ordered sent forthwith to the Senate without engrossment.

RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Harper:

H. R. 458. COMMENDING THE SOUTH MOBILE COUNTY BABE RUTH ALL STARS, ALABAMA STATE CHAMPIONS.

MESSAGE FROM THE GOVERNOR

To The Alabama House of Representatives
State Capitol
Montgomery, Alabama 36130

Ladies and Gentlemen:

I transmit herewith a Message from Governor George C. Wallace returning House Bill # 296, as substituted and amended, without the Governor's signature and approval and with the following suggested Executive Amendment.

Done this 22nd day of July, 1983.

Respectfully submitted,

ELVIN L. STANTON,
Executive Secretary.

MESSAGE FROM THE GOVERNOR

To The Alabama House of Representatives
State Capitol
Montgomery, Alabama 36130

Ladies and Gentlemen:

I am returning to you, the body in which it originated, House Bill # 296 as substituted and amended, without my signature and approval and with

the following suggested Executive Amendment:

EXECUTIVE AMENDMENT TO H. B. 296 AS LAST SUBSTITUTED AND AMENDED

Amend H. B. 296, as last substituted and amended, beginning on page four line one by deleting all of Section 6 and 7 and substituting therefore the following:

"Section 6. Appellate Process to Contest Termination.

An appeal of the decision of the employing board may be filed by the employee within fifteen (15) days of receipt of the board's decision by mailing a notice to the superintendent of education and/or president of the junior/technical or community college or institution. Upon receipt of the request, the employing board and the employee may (1) mutually agree upon a person to hear the employee's appeal or (2) select a panel of three persons, one selected by the employing board, and another selected by the employee and a third agreed upon by the two parties listed herein above which shall constitute an employee review panel to hear the employee's appeal. If there is no agreement on the selection of a third member within ten (10) days following the selection of the second member, the Probate Judge of the county in which the dispute originated shall submit the names of three individuals who are qualified electors of that same county who, in the Probate Judge's opinion, would be qualified through their experience and training to render a fair and impartial decision as the third member of the employee review panel and said persons selected for membership on the employee review panel shall not be currently employed in the field of education. From these three names, the employing board shall then strike the first name and the employee shall strike the second name with the person whose name remains becoming the third member of the employee review panel.

Section 7. Hearing Process.

Upon the employee review panel's selection to hear a case, the panel shall within ten (10) days establish a date, place, and time for the hearing to be conducted. The date of such hearing shall in no case be later than sixty (60) days following the decision of the employing board. Upon the completion of a de novo hearing, the panel's decision must be rendered within forty-five (45) days. The parties shall have the right of counsel or representation of their choosing. In making its decision, the panel shall consider whether the action of the board or its administrative staff was arbitrary to unjust or for political or personal reasons on the part of any member of the board or its staff and whether the board's action was warranted based upon the facts of the case and the employment record of the employee. The decision of the panel shall be final and binding upon the parties. Expenses and fees of the employee review panel shall be shared equally by the board and employee. On page six, line four, delete the word hearing officer and substitute the words employee review panel. On page six, line sixteen delete the words hearing officer and substitute the words employee review panel. On page one, line thirteen delete the words a system of hearing examiners and substitute the words an employee review panel.

The adoption of the above and foregoing suggested Executive Amendment will remove my objections to this Bill.

Done this 22nd day of July, 1983.

Respectfully,

GEORGE C. WALLACE,
Governor.

GOVERNOR'S MESSAGE

On motion of Rep. Holley, the House concurred in and adopted the amendment proposed by His Excellency, the Governor, to the bill, H. 296, said Governor's amendment being set out in the above and foregoing Message from the Governor.

Yeas 84; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Biddle, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Carothers, Carter, Clark, Clikas, Crow, Davis, Drinkard, Escott, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Hall, Hammett, Harper, Hettinger, Holley, Holmes, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, McKee, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Payne, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Turner, Turnham, Venable, Waggoner, Warren, White (L), Williams, Wright and Zoghby.

—84

And the bill:

H. 296. To provide for fair dismissal procedures for non-teachers and non-certified or classified employees in the public school systems, two-year institutions under control of the State Board of Education, the Department of Youth Services and the Alabama Institution for Deaf and Blind, who are not otherwise covered by the States Merit System, the Teacher Tenure Law, or other state statutes at the time this Act is adopted; to provide procedural and substantive due process of law for dismissal for just cause before the employing board after the employee completes the probationary period of employment and thereafter gains permanent status; to provide for a system of hearing examiners to hear contested termination of employment and transfer; and to provide for review of the decisions of the employing board.

As amended by the amendment proposed by His Excellency, the Governor, was again read at length and passed.

Yeas 81; Nays 5.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Carothers, Carter, Casey, Clark, Coburn, Crow, Davis, Drinkard, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Harper, Holley, Holmes, Horn, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Layton, Martin, Mathis, Melton, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Payne, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Scott, Seibels,

Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Turner, Venable, Waggoner, Warren, White (L), Williams, Wright and Zoghby.

—81

Nays: Reps.: Box, Clikas, Hettinger, McKee and Manley. —5

SPECIAL ORDER RESUMED

And the bill:

H. 665. (With Amendment): To establish the Alabama Small Business Assistance Corporation, to provide that its purposes include the protection and enhancement of employment opportunities in Alabama through providing low interest financing for small businesses, to define terms, to provide that the Corporation may borrow money to finance its purposes, to provide that the Governor, the Director of Finance, the State Treasurer and the Chairman of the Small Business Advisory Council may become a public corporation through filing of a certificate of incorporation with the Secretary of State of the State of Alabama, to provide that the Corporation may determine qualifications necessary for making loans to qualifying small businesses, to provide that the Corporation shall within the limits set out by the Legislature determine whether businesses qualify hereunder, to provide an effective date and to repeal all laws not consistent with this Act.

Was taken up.

SUBSTITUTE OFFERED

Rep. Clikas offered the following substitute to the bill, H. 665:

A BILL
TO BE ENTITLED
AN ACT

To make legislative findings regarding the need to create a new source of financing for the development and expansion of small businesses in the State; to define the particular terms used in the substantive provisions of this Act; to provide for and authorize the incorporation by the Governor, the Director of Finance, the State Treasurer and the Chairman of the Small Business Advisory Council of the Alabama Small Business Assistance Corporation, as a public corporation and instrumentality of the State, upon the filing of an application with the Secretary of State; to provide for and authorize the certificate of incorporation of such corporation to be amended at any time and from time to time; to provide for a board of directors of such corporation; to provide for the officers of such corporation and the election thereof; to provide for the general powers to be exercised by such corporation and the conditions under which such powers may be exercised; to empower such corporation to acquire projects for lease or sale to certain users; to empower such corporation to make loans to certain users; to empower such corporation to make loans to, and purchase loans from, certain financial institutions; to empower such corporation to acquire authorized purpose obligations created in connection with projects operated by certain users; to empower such corporation to borrow money for its various corporate purposes and in evidence thereof to issue its notes and bonds; to prescribe certain terms and conditions upon which such corporation may sell and issue its notes and bonds; to authorize such corporation to pledge its revenues and mortgage or assign its assets as security for its notes and bonds; to provide a method for giving constructive notice of any mortgage, security interest, assignment or pledge created or made by such corporation;

to provide that the notes and bonds and all other obligations of such corporation shall not constitute or create a debt of the State or any county, municipality or other political subdivision or agency thereof; to provide that the notes and bonds of such corporation shall constitute negotiable instruments; to provide for the creation of special reserve funds and such other funds as may be necessary or desirable for the corporate purposes of such corporation; to provide for the refunding, by the issuance and sale of refunding bonds, of any notes or bonds theretofore issued or obligations theretofore assumed by such corporation; to provide that the notes and bonds of such corporation may be used for the investment of trust and other fiduciary funds; to exempt from all taxation in the State (i) the property, corporate activities, revenues and income of such corporation, (ii) certain transactions or actions to which such corporation is a party or in which it may have been involved and (iii) the property and the notes and bonds of such corporation and the income from such notes and bonds; to exempt such corporation from all laws of the State governing usury or prescribing or limiting interest rates, which exemption shall apply to any payment by any user pursuant to any lease, sale contract, loan agreement or authorized purpose obligation; to exempt such corporation and its contracts from all laws of the State requiring competitive bids; to provide for the liberal construction of the provisions of this Act; to provide that such corporation shall be a not-for-profit corporation; to provide for the dissolution of such corporation and for the vesting of title to its properties; and to provide that the provisions of this Act shall be severable.

Be It Enacted by the Legislature of Alabama:

Section 1. Short Title. This Act shall be known and may be cited as the Alabama Small Business Assistance Act.

Section 2. Legislative Findings and Declaration of Purpose. It is hereby found and declared that presently existing interest rates for conventional commercial loans are higher than can be afforded by most small businesses and that small businesses, because of their size, often cannot effectively utilize industrial development bond financing and other similar financing techniques under current tax laws in the present economic climate. The purpose of this Act is to promote the development and advancement of the business prosperity and economic welfare of the State of Alabama and provide and protect employment opportunities for skilled and unskilled labor in the State through the assistance and encouragement of development and expansion of small businesses in Alabama by establishing new sources of credit that would not otherwise be available to such businesses under current laws.

Section 3. Definitions.

(a) The following words and phrases used in this Act, and others evidently intended as the equivalent thereof, shall, in the absence of clear implication herein otherwise, be given the following respective interpretations herein:

(1) Affiliate of any Small Business means any Person controlled by, or under common control with, such Small Business and any Person controlling such Small business. For the purposes of this definition, "control" (including, with correlative meanings, the terms "controlled by" and "under common control with"), as used with reference to any Small Business or any Person, means the possession, directly or indirectly, of the power to direct or cause the direction of the management and policies of such Small Business or such Person whether through the ownership of voting securities or

by contract or otherwise.

(2) Authorized Purpose Obligation. Such term includes:

a. Any lease, note, installment sale contract or any other obligation of a User, whether general or special, which was entered into, made, assumed or otherwise incurred by such User, in whole or in part, for the purpose of financing the acquisition, improvement, rehabilitation, construction, reconstruction or ownership of one or more Projects; or

b. Any obligation of any kind which was entered into, made, assumed or otherwise incurred by the United States of America or any department, agency or instrumentality thereof, the State or any instrumentality or political subdivision thereof of any corporation, partnership, trust, fund, foundation, corporation sole or other legal entity, whether public or private, or joint venture of any two or more of any of the foregoing entities, and which is secured, in whole or in part, by a pledge or assignment of any obligation described in paragraph a. of this subdivision or is payable, in whole or in part, from payments made in respect of any such obligation, including, without limitation thereto, any obligation described in either paragraph a. of this subdivision or this paragraph that is guaranteed by the United States of America or by any department, agency or instrumentality thereof.

(3) Board. The board of directors of the Corporation.

(4) Corporation. The public corporation organized pursuant to the provisions of this Act.

(5) Director. A member of the Board.

(6) Eligible Investment. Such term includes:

a. Any time deposit with, or any certificate of deposit issued by, any bank or savings and loan association which is organized under the laws of the United States of America or any state thereof and deposits in which are insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation or any department, agency or instrumentality of the United States of America that may succeed to the functions of either of such corporations;

b. Any debt securities that are direct, general obligations of the United States of America;

c. Any debt securities, the payment of the principal of and interest on which is unconditionally guaranteed by the United States of America;

d. Any debt securities that are direct, general obligations of any of the following agencies of the United States of America: the federal land banks, the federal intermediate credit banks, the banks for cooperatives, the federal home loan banks (including any joint obligations of any two or more of the foregoing agencies), the Federal Home Loan Mortgage Corporation (including participation certificates of the last named agency) and the Government National Mortgage Association (including participation certificates of the last named agency);

e. Any debt securities that are direct, general obligations of the Federal National Mortgage Association;

f. Prime commercial paper or finance company paper which is rated not less than prime one or the equivalent thereof by Moody's Investors Service, Inc., or Standard & Poor's Corporation, or their successors; and

g. Any debt obligation in which an insurance company organized under the laws of the State may legally invest its money at the time of investment by the Corporation.

(7) Financial Institution. National banking associations, banks chartered under the laws of the State and savings or building and loan associations chartered under the laws of the State or of the United States of America.

(8) Person. Any natural person, corporation, partnership, trust, government or governmental body, political subdivision, or other legal entity.

(9) Pollution Control Facility. Any land, building, structure, machinery or equipment having to do with or designed for or the end purpose of which is the control, reduction, abatement or prevention of air, noise, water or general environmental pollution, including, without limitation, any air pollution control facility, noise abatement or reduction facility, water management facility, water purification facility, waste water collecting system, waste water treatment works or solid waste disposal facility.

(10) Project. Any facility, whether or not now in existence, which shall be operated by a Small Business as all or any part of one or more of the following:

a. An industrial plant or similar facility for the manufacturing, processing or assembling of any agricultural, manufactured or mineral products;

b A commercial enterprise engaged in storing, warehousing, distributing or selling (including selling to the general public on a retail basis) any products of agriculture, mining or industry;

c. An office building or buildings;

d. A Pollution Control Facility; and

e. A hotel or motel, including parking facilities, facilities for meetings, and facilities suitable for rental to persons engaged in any business, trade, profession, occupation or activity.

Any facility which constitutes all or part of a Project may include any property (whether real, personal or mixed) deemed necessary in connection therewith.

(11) Small Business. Any business entity organized for profit with a place of business in the State which, together with its Affiliates, is owned (regardless of the form of ownership) by no more than 25 individuals, partnerships, corporations, estates, trusts or other entities and which has, together with its Affiliates, fewer than 250 employees and less than $5,000,000 in gross receipts per year.

(12) State. The State of Alabama.

(13) User. A Small Business using a Project and obtaining financing through the Corporation hereunder.

(b) The terms "herein," "hereby," "hereunder," "hereof," and other equivalent words refer to this Act as an entirety and not solely to the particular section or portion thereof in which any such word is used. The definitions set forth herein shall be deemed applicable whether the words defined are used in the singular or plural. Whenever used herein any pronoun or pronouns shall be deemed to include both singular and plural and to cover all genders.

Section 4. Incorporation of the Corporation authorized; application; filing; fees.

(a) The Governor, the State Treasurer, the State Director of Finance and the Chairman of the Small Business Advisory Council created pursuant to Chapter 10 of Title 25 of Code of Alabama 1975 may become a corporation with the power and authority provided in this Act by proceeding according to the provisions of this Act. To become a corporation, the persons so designated shall present to the Secretary of State an application signed by them which shall state:

(1) That the applicants propose to incorporate the Corporation pursuant to this Act;

(2) The name and office or title of each of the applicants;

(3) The name of the proposed corporation, which shall be "Alabama Small Business Assistance Corporation";

(4) The location of the principal office of the proposed corporation, which shall be in the City of Montgomery; and

(5) Any other matter relating to the Corporation which the applicants may choose to insert and which is not inconsistent with this Act or the laws of the State.

(b) The application shall be subscribed and sworn to by each of the applicants before an officer authorized by the laws of the State to take acknowledgments to deeds. The Secretary of State shall examine the application, and if the Secretary of State finds that it substantially complies with the requirements of this Act, he shall receive, file and record it in an appropriate book of records in his office.

(c) When the application has been made, filed and recorded as provided in subsection (b) of this section, the applicants shall constitute a corporation under the name stated in the application, and the Secretary of State shall make and issue to the applicants a certificate of incorporation pursuant to this Act, under the Great Seal of the State, and shall record the certificate with the application. There shall be no fees paid to the Secretary of State for any work done in connection with the incorporation or dissolution of the Corporation.

Section 5. Amendment of Certificate of Incorporation.

(a) The certificate of incorporation of the Corporation may at any time and from time to time be amended in the manner provided in this section. The board shall first adopt a resolution approving an amendment to the certificate of incorporation, which amendment shall be set forth in full in the said resolution and may include any matters which might have been included in the original certificate of incorporation of the Corporation.

(b) Within 40 days following the adoption by the Board of a resolution approving said amendment to the Corporation's certificate of incorporation, the chairman of the Corporation and the secretary of the Corporation shall sign and file for record in the office of the Secretary of State a certificate in the name of and in behalf of the Corporation, under its seal, reciting the adoption of said resolution by the Board and setting forth the said proposed amendment. The Secretary of State shall promptly examine such certificate and shall determine whether it is complete and regular on its face and whether the proposed amendment substantially complies with the provisions of this Act. If the Secretary of State shall find that such certificate is

complete and regular on its face and that the proposed amendment substantially complies with the provisions of this Act, he shall require such certificate to be recorded in an appropriate book of records maintained in his office. Upon the filing of the aforesaid certificate, the said amendment to the certificate of incorporation shall become effective.

Section 6. Board of Directors.

(a) The Corporation shall be governed by a board of directors. The applicants named in the application for incorporation of the Corporation and their respective successors in office shall constitute all the members of the board of directors of the Corporation. Should the Governor, the State Treasurer, the State Director of Finance or the Chairman of the Small Business Advisory Council cease to hold office by reason of death, resignation, expiration of his term of office or for any other reason, then his successor in office shall take his place as a director of the Corporation. No officer or director of the Corporation shall receive any compensation for any service he may render or for any duty he may perform in connection with the Corporation, but he may be reimbursed for necessary travel expenses. All powers of the Corporation shall be exercised by the Board or pursuant to its authorization.

(b) A majority of the Directors shall constitute a quorum for the transaction of business. No vacancy in the membership of the Board or the voluntary disqualification or abstention of any member thereof shall impair the right of a quorum to exercise all of the powers and duties of the Corporation.

(c) All proceedings of the Corporation shall be reduced to writing by the secretary of the Corporation and maintained in the permanent records of the Corporation. Copies of such proceedings, when certified by the secretary of the Corporation under the seal of the Corporation, shall be received in all courts as evidence of the matters therein certified.

Section 7. Officers. The officers of the Corporation shall consist of a chairman, vice chairman, secretary treasurer and such other officers as the Board shall deem necessary or appropriate. The offices of secretary and treasurer may but need not be held by the same person. The chairman and vice chairman of the Corporation shall be elected by the Board from the membership thereof; the secretary, the treasurer and any other officers of the Corporation may but need not be members of the Board and shall also be elected by the Board. The chairman, vice chairman and secretary of the Corporation shall also be the chairman, vice chairman and secretary of the Board, respectively.

Section 8. Powers of Corporation Generally; Operation of Projects by Corporation.

(a) The Corporation shall have all of the powers necessary and convenient to carry out and effectuate the purposes and provisions of this Act, including, without limiting the generality of the foregoing, the following powers:

(1) To have succession by its corporate name until it shall have been dissolved as provided in this Act;

(2) To sue and be sued in its own name in civil suits and actions and to defend suits against it;

(3) To adopt and make use of a corporate seal and to alter the same at pleasure;

(4) To adopt, alter and repeal bylaws, regulations and rules, not inconsistent with the provisions of this Act, for the regulation and conduct of its affairs and business;

(5) To acquire, whether by gift, purchase, transfer, foreclosure, lease or otherwise, and to expand, improve, maintain, equip and furnish one or more Projects, including all real and personal properties that the Board may deem necessary in connection therewith, regardless of whether or not any such Project shall then be in existence and, if in existence, regardless of whether or not any such Project is then owned or leased by any User to which such Project may subsequently be sold or leased by the Corporation;

(6) To borrow money and to sell and issue bonds, notes or other obligations as hereinafter provided for any corporate use or purpose;

(7) To lease to a User or Users any or all Projects that may be owned by it, to charge and collect rent therefor and to terminate any such lease upon the failure of the lessee to comply with any of the obligations thereof, all upon such terms and conditions as the Board may deem advisable;

(8) To contract to sell and convey and to sell and convey to a User or Users any or all Projects that may be owned by it and to grant options to any User or Users to purchase any or all Projects that may be owned by it, all for such consideration and upon such terms and conditions as the Board may deem advisable;

(9) To lend, upon such terms and conditions as the Board may deem advisable, all or any portion of the proceeds derived from the issuance of its bonds, notes or obligations to a User, whether pursuant to one or more loan agreements or in conjunction with the lease or sale of one or more Projects to such User or the purchase of an Authorized Purpose Obligation relating to a Project or Projects operated by such User, for one or more or any combination of the following purposes:

a. To enable such User to borrow an amount not substantially in excess of the equity (determined on any basis not resulting in a higher value for any Project in question than the estimated replacement cost or the appraised market value thereof, whichever may be greater) which such User may then have in any Project or Projects;

b. To enable such User to refinance any outstanding indebtedness or obligation incurred or assumed in connection with the acquisition, improvement or operation of any existing Project or Projects; and

c. To enable such User to finance the costs of acquiring, by purchase, construction or otherwise, one or more Projects and/or the costs of expanding or improving one or more Projects, regardless of whether any such Project has theretofore been owned or leased by such User or is to be acquired or leased by such User;

(10) To make loans to Financial Institutions, provided that (i) the proceeds of such loans shall be required to be used by such Financial Institutions to make loans to Small Businesses for one or more of the purposes for which the Corporation is authorized by the provisions of this Act to make loans to Small Businesses, and (ii) any security granted to a Financial Institution with respect to any such loan made to a Small Business shall be mortgaged, pledged, assigned or otherwise provided by such Financial Institution to the Corporation as security for the related loan to such Financial Institution by the Corporation;

(11) To purchase from Financial Institutions loans made to Small Busi-

nesses for one or more of the purposes for which the Corporation is authorized by the provisions of this Act to make loans to Small Businesses, together with any security for such loans;

(12) To contract to acquire, hold, pledge, assign, sell and transfer and to acquire, hold, pledge, assign, sell and transfer one or more Authorized Purpose Obligations that are entered into or issued in whole or in part with respect to one or more Projects;

(13) To pledge for payment of any loans, notes or obligations issued by the Corporation any revenues from which such bonds, notes or obligations are payable as herein provided and to mortgage or pledge any or all of its Projects or any part or parts thereof or any Authorized Purpose Obligation, whether then owned or thereafter acquired, and to pledge the revenues, rentals and receipts therefrom or from any part thereof or any revenues from which such bonds are payable as herein provided as security for the payment of the principal of the interest and premium, if any, on the bonds, notes or obligations so issued and any agreements made in connection therewith;

(14) To make, enter into and execute such contracts, agreements, leases and other instruments and to take such other actions as may be necessary or convenient to accomplish any purpose for which the Corporation was organized or to exercise any power expressly granted hereunder;

(15) To enter into contracts with, to accept aid, loans and grants from, to cooperate with and to do any and all things not specifically prohibited by this Act or the Constitution or other applicable laws of the State that may be necessary in order to avail itself of the aid and cooperation of, the United States of America, the State or any agency, instrumentality or political subdivision of either thereof in furtherance of the purposes of this Act;

(16) To receive and accept from any source aid or contributions in the form of money, property, labor or other things of value, to be held, used and applied to carry out the purposes of this Act, subject to any lawful condition upon which any such aid or contributions by be given or made;

(17) To appoint, employ and contract with such employees and agents, including, without limitation, architects, engineers, attorneys, accountants, financial experts, fiscal agents and such other advisors, consultants and agents as may in its judgment be necessary or desirable, and to fix their compensation;

(18) To procure insurance against any loss in connection with its property and other assets in such amounts and from such insurers as the Board may deem desirable;

(19) To the extent permitted by the contracts of the Corporation with the holders of its bonds, notes and other obligations and if not otherwise specifically prohibited by any other provision of this Act, to invest its moneys, including, without limitation, the moneys held in any special fund created pursuant to any trust indenture or resolution securing any of its bonds, notes or other obligations and proceeds from the sale of any bonds, notes or other obligations not required for immediate use, in Eligible Investments;

(20) To include in any borrowing by the Corporation such amounts as may be deemed necessary by the Board to pay bond discount, commissions or other financing charges, interest on the obligations issued in evidence of such borrowing for such period as the Board shall deem advisable, fees and expenses of financial advisors and planning and management consultants,

all legal, accounting, publishing, printing, recording and filing fees and expenses, administrative costs and such other expenses as shall be necessary or incident to such borrowing;

(21) To the extent permitted by its contracts with the holders of its bonds, notes and other obligations, to purchase bonds or notes of the Corporation out of any of its funds or moneys available therefor and to hold, cancel or resell such bonds or notes;

(22) To procure or agree to the procurement of insurance or guarantees from the United States of America or any agency or instrumentality thereof or from any private insurance company of the payment of any bonds, notes or any other obligations issued by the Corporation and to pay premiums or fees for any such insurance or guarantees;

(23) To establish credit criteria and other requirements respecting the eligibility of Small Businesses for Project financing by the Corporation; and

(24) To do any and all things necessary or convenient to carry out its purposes and to exercise its powers pursuant to the provisions of this Act.

(b) The Corporation shall not have the power to operate any Project other than as a lessor thereof; provided, however, that the foregoing restriction on the power of any Corporation to operate any Project shall not be construed to prohibit, limit or impair the right of the Corporation to terminate any lease of any Project that is in default, to take possession of such Project and to operate the same for such temporary period as may be necessary to protect and enforce the rights and remedies of the holders of any of its bonds, notes or other obligations and to exercise any other right or remedy which may be necessary to prevent or cure any default under any contract of the Corporation which provides for or relates to the security for any of its bonds, notes or other obligations.

Section 9. Bonds and Notes Generally—Form, Terms, Denominations, etc.; Execution, Sale, Delivery, Redemption, etc.; Security for Payment of Principal or Interest; Remedies upon Default.

(a) The Corporation shall have power to issue from time to time its bonds and notes in such principal amount as the Board shall determine to be necessary to provide sufficient funds for achieving any of its corporate purposes, including the payment of interest on any of its notes and bonds, the establishment of reserves to secure any such notes and bonds and all other expenditures of the Corporation incident to and necessary or convenient to carry out its corporate purposes and powers. The Corporation shall also have the power to issue from time to time notes to renew notes and bonds to pay notes, including interest thereon and, whenever it deems refunding expedient, to refund any bonds by the issuance of new bonds, whether the bonds to be refunded have or have not matured, and to issue bonds partly to refund bonds then outstanding and partly for any other of its corporate purposes.

(b) If deemed advisable by the Board, there may be retained in the resolution adopted by the Board authorizing the issuance of any bonds or notes an option to redeem all or any part thereof as specified in such resolution at such price or prices and after such notice or notices and on such terms and in such manner as may be provided in such resolution and as may be recited in summary form on the face of the bonds or notes. The Corporation may pay all expenses, premiums and commissions which the Board may deem necessary and advantageous in connection with the issuance of any of its bonds or notes. Issuance by the Corporation of one or

more series of bonds for one or more purposes shall not preclude it from issuing other bonds, but the resolutions whereunder any subsequent bonds may be issued shall recognize and protect any prior pledge or mortgage made for the benefit of any prior issue of bonds, unless in the proceedings authorizing such prior issue of bonds, unless in the proceedings authorizing such prior issue the right was reserved to issue subsequent bonds on a parity with such prior issue.

(c) Notes or bonds issued by the Corporation may, as the Board may deem advisable, be either general obligations of the Corporation or limited obligations payable only out of certain specified revenues or assets of the Corporation; provided, that the Corporation may enter into contracts with the holders of any of its bonds or notes preventing the Corporation from thereafter issuing general obligation bonds or notes or limiting the amount of such bonds or notes that may thereafter be issued. To the extent permitted by any contracts with the holders of outstanding bonds and notes and any other contractual obligations or requirements, the Corporation may pledge any of its revenues or mortgage or assign any of its assets, whether real or personal and whether tangible or intangible, to secure the payment of any of its bonds or notes.

(d) All obligations created or assumed by the Corporation and all bonds or notes issued thereby shall be solely and exclusively an obligation of the Corporation and shall not create an obligation or debt of the State, or any political subdivision of the State or other public corporation, governmental agency or instrumentality existing under the laws thereof; provided, that the provisions of this sentence shall not be construed to release the original obligor from liability on any bond or other obligation assumed by the Corporation.

(e) The notes and bonds issued by the Corporation shall be authorized by resolution or resolutions adopted by the Board, shall bear such date or dates and shall mature at such time or times as such resolution or resolutions may provide, except that no bond shall mature more than 30 years from the date of its issue. The bonds of the Corporation may be issued as serial bonds payable in annual installments or as term bonds or as a combination thereof. The notes and bonds of the Corporation shall bear interest at such rate or rates, be in such form and denominations, either coupon or registered, carry such registration privileges, be executed by such officers of the corporation and in such manner, be payable in such medium of payment at such place or places within or without the State and be subject to such terms of redemption as may be provided in the resolution or resolutions by which they are authorized to be issued. The notes and bonds of the Corporation may be sold by the Corporation at public or private sale at such price or prices as the Corporation shall determine.

(f) Any resolution or resolutions authorizing bonds or notes of the Corporation may contain provisions, which shall constitute a part of the contract or contracts with the holders of such bonds or notes, pertaining to, among other things, the following matters:

(1) Pledging all or any part of the revenues of the Corporation to secure the payment of such bonds or notes, subject to contracts with the holders of its then outstanding bonds and notes;

(2) Pledging, assigning or mortgaging all or any part of the assets of the Corporation to secure the payment of such bonds or notes, subject to contracts with the holders of its then outstanding bonds and notes;

(3) Setting aside of reserves, sinking funds or other funds and the regulation and disposition thereof;

(4) Limitations on the purposes to which the proceeds of sale of such notes or bonds may be applied and pledging such proceeds to secure the payment of such bonds or notes;

(5) Limitations on the issuance of additional bonds or notes, the terms upon which additional bonds or notes may be issued and secured and the refunding of outstanding bonds or notes;

(6) The procedure, if any, by which the terms of any contract with the holders of such bonds or notes may be amended or abrogated, the amount of bonds or notes the holders of which must consent thereto and the manner in which such consent may be given;

(7) Limitations on the amount of moneys to be expended by the Corporation for its operating expenses;

(8) Vesting in a trustee or trustees such property, rights, powers and duties as the Corporation may determine;

(9) Defining the acts or omissions to act that shall constitute a default in the performance of the obligations and duties of the Corporation to the holders of such bonds or notes and providing for the rights and remedies of such holders in the event of such default; provided, however, that such rights and remedies shall not be inconsistent with the general laws of the State and the other provisions of this Act; and

(10) Any other matters of like or different character which in any way affect the security or protection of the holders of such bonds or notes.

(g) Any mortgage of property granted by the Corporation, any security interest in property created by it or any assignment or pledge of revenues or contract rights made by it, in each case to secure the payment of its bonds or notes, shall be valid and binding from the time when such mortgage is granted, such security interest created or such assignment or pledge is made, as the case may be, and the property so mortgaged, the property with respect to which such security interest is so created and the revenues and contract rights so assigned or pledged shall immediately, or as soon thereafter as the Corporation obtains any right thereto or interest therein, be subject to such mortgage, security interest, assignment or pledge, as the case may be, without physical delivery of any property, revenues or contract documents covered thereby or any further act, and the lien of any such mortgage, security interest, assignment or pledge shall be valid and binding as against all persons having claims of any kind in tort, contract or otherwise against the Corporation, irrespective of whether such persons have actual notice thereof, from the time notice of such mortgage, security interest, assignment or pledge is filed for record in the office of the judge of probate of the county in which the property covered by such mortgage, security interest, assignment or pledge is or is to be located pursuant to any agreement made by the Corporation with any User respecting the location and use of such property. Such notice shall contain a statement of the existence of any such mortgage, security interest, assignment or pledge, as the case may be, a description of the property, revenues or contract rights subject thereto and a description of the bonds or notes secured thereby, all in terms sufficient to give notice to a reasonably prudent person of the existence and effect of any such mortgage, security interest, assignment or pledge. If the requirements of the preceding sentence are met, such notice may consist of a summary statement prepared specially for the purpose of serving as such notice, an

executed counterpart of any mortgage, security agreement, assignment, trust indenture or other instrument granting such mortgage, creating such security interest or making such assignment or pledge, as the case may be, or a certified copy of the resolution adopted by the Board authorizing such mortgage, security interest, assignment or pledge, as the case may be.

(h) The Corporation shall have the power, subject to contracts with the holders of its then outstanding bonds and notes, to purchase for retirement and cancellation any of its bonds or notes and to use any of its available funds for such purpose, provided that, if such bonds or notes are then redeemable, the purchase price thereof shall not exceed the redemption price then applicable, plus accrued interest thereon to the date of purchase, and if such bonds or notes are not then redeemable, the purchase price thereof shall not exceed the redemption price applicable on the earliest date after such purchase upon which such bonds or notes become subject to redemption, plus accrued interest thereon to the date of purchase.

(i) The bonds or notes of the Corporation may, at the discretion of the Corporation, be issued under and secured by a trust indenture or trust indentures by and between the Corporation and a corporate trustee, which may be any trust company or bank having the power of a trust company within or without the State. Any such trust indenture may contain such provisions for protecting and enforcing the rights and remedies of bondholders or noteholders as may be reasonable and proper and not in violation of law, including covenants setting forth the duties of the Corporation in relation to the exercise of its corporate powers and the custody, safeguarding and application of all moneys. The Corporation may provide by any such trust indenture for the payment to the trustee thereunder or other depository of the proceeds of any bonds or notes issued thereunder and any revenues pledged for the security of such proceeds and revenues, with such safeguards and restrictions as it may determine. All expenses incurred in connection with such trust indenture may be treated as part of the operating expenses of the Corporation.

(j) Whether or not the notes and bonds of the Corporation are of such form and character as to be negotiable instruments under the terms of the Alabama Uniform Commercial Code, such notes and bonds are hereby made negotiable instruments within the meaning of the Alabama Uniform Commercial Code and for all purposes thereof, subject only to any registration provisions of such notes and bonds. In case any of the directors or officers of the Corporation whose signatures appear on any notes, bonds or coupons appertaining to any bond shall cease to be such directors or officers before the delivery of such notes, bonds or coupons, such signatures shall, nevertheless, be valid and sufficient for all purposes to the same extent as if such directors or officers had remained in office until such delivery.

(k) The directors and officers of the Corporation shall not be subject to any personal liability by reason of the issuance of any bonds or notes of the Corporation.

Section 10. Refunding Bonds and Notes.

(a) The Corporation may issue refunding bonds or notes for the purpose of refunding any bonds or notes then outstanding which have been issued under the provisions of this Act, including the payment of any redemption premium thereon, any interest accrued or to accrue to the date of maturity or earlier redemption of such bonds or notes and any expenses of such refunding, including, without limitation, attorneys' fees, costs of printing the refunding bonds or notes, financial advisors' fees and accountants'

fees, and for the purpose of refunding any of its bonds or notes in combination with any other corporate purpose of the Corporation. The issuance of such refunding bonds or notes, the maturities and other details thereof, the rights of the holders thereof and the rights, duties and obligations of the Corporation in respect thereto shall be governed by the provisions of this Act relating to the issuance of bonds and notes generally, to the extent that such provisions may be appropriate therefor.

(b) Refunding bonds or notes issued by the Corporation may be sold or exchanged for outstanding bonds or notes issued under this Act and, if sold, the proceeds thereof may be applied, in addition to any other authorized purposes, to the purchase, redemption or payment of such outstanding bonds or notes. Pending the application of the proceeds of any such refunding bonds or notes for any of the purposes provided in this section, such proceeds may be invested in any Eligible Investments pursuant to an escrow agreement providing for the future application of such proceeds in accordance with such purposes.

Section 11. Investment in Bonds and Notes by State, Counties, Municipalities, etc. The notes and bonds of the Corporation shall be legal investments in which the State and its agencies and instrumentalities, all counties, municipalities and other political subdivisions of the State and public corporations organized under the laws thereof, all insurance companies and associations and other persons carrying on an insurance business, all banks, savings banks, savings and loan associations, trust companies, credit unions and investment companies of any kind, all administrators, guardians, executors, trustees and other fiduciaries and all other persons whatsoever who are now or may hereafter be authorized to invest in bonds or other obligations of the State may properly and legally invest funds in their control or belonging to them.

Section 12. Establishment and Maintenance of Special Debt Service Reserve Funds, etc. The Corporation may establish and maintain one or more special debt service reserve funds and such other special fund or funds as may be necessary or desirable for its corporate purposes and may pay into each such fund any moneys contributed or granted to the Corporation for the purpose of such fund by any governmental or public entity or any private party, any proceeds from the sale of bonds or notes to the extent provided in the resolution adopted by the Board authorizing the issuance of such bonds or notes and any other moneys which may be made available to the Corporation for the purpose of such fund from any other source or sources.

Section 13. Disposition of Net Earnings of Corporation. The Corporation shall be a not-for-profit public corporation and no part of its net earnings remaining after payment of its expenses shall inure to the benefit of any private person, except that in the event the Board shall determine that sufficient provision has been made for the full payment of the expenses, bonds, notes and other obligations of the Corporation, then any net earnings thereafter accruing shall be paid to the State.

Section 14. Authority and Procedure for Dissolution of the Corporation; Vesting of Title to Assets and Properties of the Corporation upon Dissolution of the Corporation.

(a) At any time when the Corporation does not have any bonds, notes or other obligations outstanding and when there shall be no other obligations assumed by the Corporation that are then outstanding, the Board may adopt a resolution, which shall be duly entered upon its minutes, declaring

that the Corporation shall be dissolved.

(b) Upon the filing for record of a certified copy of said resolution in the office of the Secretary of State, the Corporation shall thereupon stand dissolved and, in the event it owned any assets or property at the time of its dissolution, the title to all such assets or property shall thereupon vest in the State.

Section 15. Tax Exemptions.

(a) No privilege or license taxes payable in respect of the recording or filing for record of any mortgage, deed or other instrument, including, without limitation, the privilege taxes now imposed by Chapter 22 of Title 40 of Code of Alabama 1975, shall be levied, charged or collected in connection with the recording or filing for record of any mortgage, deed or other instrument evidencing a conveyance to or the creation of any property interest in the Corporation, any agreement or instrument to which the Corporation is a party and any mortgage, deed or other instrument evidencing a conveyance from the Corporation to another party or the creation by the Corporation of any property interest in another party.

(b) If, pursuant to any contractual arrangement between the Corporation and a User, any Project has been or is to be acquired by the Corporation and leased or sold to such User or has been or is to be financed by a loan from the Corporation, then in such case the gross proceeds of the sale of any property used in the construction and equipment of such Project, regardless of whether such sale is to the Corporation, such User or any contractor or agent of either thereof, shall be exempt from the sales tax imposed by Article 1 of Chapter 23 of Title 40 of Code of Alabama 1975 and from all other sales and similar excise taxes now or hereafter levied on or with respect to the gross proceeds of any such sale by the State or any county, municipality or other political subdivision or instrumentality of any thereof.

(c) All property of the Corporation and all bonds, notes or other obligations issued by the Corporation, their transfer and the income therefrom, including the interest income thereon and any profits made on the sale thereof, shall at all times be free from taxation by the State or any county, municipality or other political subdivision or instrumentality of the State, excepting inheritance, estate and gift taxes.

Section 16. Exemption from Usury and Interest Laws. The Corporation and all contracts made by it shall be exempt from the laws of the State governing usury or prescribing or limiting interest rates, including, without limitation, the provisions of Chapter 8 of Title 8 of Code of Alabama 1975, as such laws may at any time be amended. Further, any payment payable directly or indirectly by any User pursuant to any lease, installment sale contract, loan agreement or other contract to which the Corporation is a party, any payment pursuant to any Authorized Purpose Obligation or any payment pursuant to any other obligation constituting the source of payment for any obligation of the Corporation which, in any such case under the laws of the State in effect at the time, constitutes interest, or a payment in the nature of interest, shall be exempt from all such laws of the State governing usury or prescribing or limiting interest rates.

Section 17. Exemption from Competitive Bid Laws. The Corporation and all contracts made by it shall be exempt from the laws of the State now or hereafter in effect that require competitive bids for any contract to be entered into by a public corporation, instrumentality or agency of the State,

including, without limitation, the provisions of Chapter 16 of Title 41 of Code of Alabama 1975.

Section 18. Construction of Act. This Act shall be construed liberally to effect its purposes and neither this Act nor anything herein contained is or shall be construed as a restriction or limitation upon any powers which the Corporation might otherwise have under any laws of the State, and the provisions of this Act are cumulative to any such powers.

This Act does and shall be construed to provide a complete, additional and alternative method for the doing of the things authorized thereby and shall be regarded as supplemental and additional to other laws. However, the issuance of bonds, notes and other obligations of the Corporation under the provisions of this Act need not comply with the requirements of any other law of the State generally applicable to the issuance of bonds, notes or other obligations by other public corporation organized under the laws of the State.

Section 19. Severability. If any section, clause, provision or portion of this Act shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause or provision of this Act which is not in and of itself unconstitutional.

Section 20. Effective Date. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 73; Nays 0.

Yeas:

Mr. Speaker, Adams, Bennett, Biddle, Blakeney, Boles, Box, Brooks, Bryant, Buskey, Butler, Carothers, Carter, Clikas, Coleman, Cosby, Crow, Davis, Drinkard, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Grouby, Hall, Hammett, Harper, Hettinger, Holley, Horn, Howard, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, McKee, Martin, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Poole, Preuitt, Rains, Richardson, Rogers, Scott, Smith, Starkey, Starr, Stout, Trammell, Tucker, Turner, Venable, Waggoner, Warren, Wilson, Wright and Zoghby.

—73

CO-SPONSORS ADDED

Reps. Grouby and Butler were added as co-sponsors to the bill, H. 665.

And the bill:

H. 665. To make legislative findings regarding the need to create a new source of financing for the development and expansion of small businesses in the State; to define the particular terms used in the substantive provisions of this Act; to provide for and authorize the incorporation by the Governor, the Director of Finance, the State Treasurer and the Chairman of the Small Business Advisory Council of the Alabama Small Business Assistance Corporation, as a public corporation and instrumentality of the State, upon the filing of an application with the Secretary of State; to provide for and authorize the certificate of incorporation of such corporation to be

amended at any time and from time to time; to provide for a board of directors of such corporation; to provide for the officers of such corporation and the election thereof; to provide for the general powers to be exercised by such corporation and the conditions under which such powers may be excercised; to empower such corporation to acquire projects for lease or sale to certain users; to empower such corporation to make loans to certain users; to empower such corporation to make loans to, and purchase loans from, certain financial institution; to empower such corporation to acquire authorized purpose obligations created in connection with projects operated by certain users; to empower such corporation to borrow money for its various corporate purposes and in evidence thereof to issue its notes and bonds; to prescribe certain terms and conditions upon which such corporation may sell and issue its notes and bonds; to authorize such corporation to pledge its revenues and mortgage or assign its assets as security for its notes and bonds; to provide a method for giving constructive notice of any mortgage, security interest, assignment or pledge created or made by such corporation; to provide that the notes and bonds and all other obligations of such corporation shall not constitute or create a debt of the State or any county, municipality or other political subdivision or agency thereof; to provide that the notes and bonds of such corporation shall constitute negotiable instruments; to provide for the creation of special reserve funds and such other funds as may be necessary or desirable for the corporate purposes of such corporation; to provide for the refunding, by the issuance and sale of refunding bonds, of any notes or bonds theretofore issued or obligations theretofore assumed by such corporation; to provide that the notes and bonds of such corporation may be used for the investment of trust and other fiduciary funds; to exempt from all taxation in the State (i) the property, corporate activities, revenues and income of such corporation, (ii) certain transactions or actions to which such corporation is a party or in which it may have been involved and (iii) the property and the notes and bonds of such corporation and the income from such notes and bonds; to exempt such corporation from all laws of the State governing usury or prescribing or limiting interest rates, which exemption shall apply to any payment by any user pursuant to any lease, sale contract, loan agreement or authorized purpose obligation; to exempt such corporation and its contracts from all laws of the State requiring competitive bids; to provide for the liberal construction of the provisions of this Act; to provide that such corporation shall be a not-for-profit corporation; to provide for the dissolution of such corporation and for the vesting of title to its properties; and to provide that the provisions of this Act shall be severable.

As thus amended was read a third time at length and passed.

Yeas 82; Nays 0.

Yeas:

Mr. Speaker, Adams, Bennett, Biddle, Blake, Boles, Box, Brooks, Browder, Bryant, Buskey, Butler, Carothers, Carter, Clark, Clikas, Coleman, Cosby, Crow, Davis, Drinkard, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Grimsley, Grouby, Hall, Hammett, Harper, Hettinger, Holley, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Poole, Preuitt, Rains, Rice, Richardson, Rogers, Scott, Seibels, Smith, Starkey, Starr, Trammell, Turner, Venable,

Waggoner, Warren, White (L), Williams, Wilson, Wright and Zoghby.

—82

CO-SPONSORS ADDED

The following were added as co-sponsors to the bill, H. 665.

Reps.: Blake, Boles, Box, Brakefield, Brooks, Browder, Bryant, Butler, Carothers, Carter, Coleman, Cosby, Crow, Davis Drinkard, Dutton, Flowers, Ford, Freeman, Gaston, Grimsley, Grouby, Hall, Hammett, Harper, Hettinger, Holley, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Poole, Preuitt, Rains, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Trammell, Tucker, Turner, Venable, Waggoner, Warren, White (L), Wilson, Wright and Zoghby.

MOTION TO SUSPEND RULE ADOPTED

On motion of Rep. Clikas, Rule 4(4) was suspended in order to transmit the bill, H. 665, to the Senate.

And the bill, H. 665, was ordered sent forthwith to the Senate without engrossment.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Albright, the rules were suspended in order to take up out of order the bill, S. 46.

And the bill:

S. 46. To change the name of the Civil Defense Department to the State of Alabama Emergency Management Agency.

Was read a third time at length and passed.

Yeas 77; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Biddle, Blake, Bowling, Box, Brooks, Browder, Bryant, Buskey, Butler, Carter, Casey, Clark, Coburn, Coleman, Cosby, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hammett, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Layton, McKee, Martin, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Poole, Preuitt, Reed, Richardson, Rogers, Scott, Seibels, Smith, Starkey, Starr, Stout, Trammell, Tucker, Turner, Venable, Waggoner, White (L), Wilson, Wright and Zoghby.

—77

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Rains, the rules were suspended in order to take up out of order the bill, H. 768.

And the bill:

H. 768. To amend section 16-33-4, Code of Alabama 1975, relating to the Educational Benefits for Dependents of Blind Parents so as to eliminate

the family income monetary restrictions used to determine the dependents' eligibility for nonpayment of instructional tuition or fees.

Was read a third time at length and passed.

Yeas 85; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Biddle, Blake, Bowling, Box, Brooks, Browder, Bryant, Buskey, Butler, Carothers, Carter, Casey, Clark, Coburn, Coleman, Cosby, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hammett, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Lauderdale, Layton, Lewis, McKee, Martin, Mathis, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby

—85

MOTION TO SUSPEND RULE ADOPTED

On motion of Rep. Rains, Rule 4(4) was suspended in order to transmit the bill, H. 768, to the Senate.

And the bill, H. 768, was ordered sent forthwith to the Senate without engrossment.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Rains, the rules were suspended in order to take up out of order the bill, H. 785.

And the bill:

H. 785. To amend Section 32-6-4, Code of Alabama 1975, relating to nondriver identification cards, so as to provide that said cards shall not bear an expiration date.

Was read a third time at length and passed.

Yeas 89; Nays 0.

Yeas:

Mr. Speaker, Albright Ashley, Bennett, Biddle, Blake, Bowling, Box, Brooks, Browder, Bryant, Buskey, Butler, Carothers, Carter, Casey, Clark, Coburn, Coleman, Cosby, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Layton, Lewis, McKee, Martin, Mathis, Melton, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Smith, Starkey, Starr, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

—89

MOTION TO SUSPEND RULE ADOPTED

On motion of Rep. Rains, Rule 4(4) was suspended in order to transmit the bill, H. 785, to the Senate.

And the bill, H. 785, was ordered sent forthwith to the Senate without engrossment.

CO-SPONSOR ADDED

Rep. Seibels was added as co-sponsor to the bill, H. 785.

MOTION TO SUSPEND RULE ADOPTED

On motion of Rep. Manley, Rule 4(4) was suspended in order to transmit the bill, H. 491, to the Senate.

And the bill, H. 491, was ordered sent forthwith to the Senate without engrossment.

RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Goodwin:

H. R. 459. COMMENDING MISS BETH McKINNEY OF MUSCLE SHOALS, ALABAMA.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the House amendment to the Bill:

S. 58. To propose a new constitution for the State of Alabama to replace the Constitution of 1901, as amended.

said Conference Report being in words and figures as follows:

REPORT OF COMMITTEE ON CONFERENCE
SENATE BILL 58

We, the Committee of Conference appointed to reconcile the differences between the two Houses concerning Senate Bill 58, have met and considered the matter referred and beg leave to report as follows:

Said Conference Committee recommends attached Senate Bill 58.

Conferees on part of the Senate
RYAN DeGRAFFENRIED,
LARRY KEENER,
GARY ALDRIDGE

Conferees on part of the House
ROY JOHNSON,
JOHN CASEY,
GLEN BROWDER

To propose a new constitution for the State of Alabama to replace the Constitution of 1901, as amended.

Be It Enacted by the Legislature of Alabama:

Section 1. The following constitution is proposed and shall replace the Constitution of 1901, as amended, when approved by the qualified electors and proclaimed by the Governor as prescribed by law:

Preamble

We, the people of the State of Alabama, in order to establish justice, insure domestic tranquility, and secure the blessings of liberty to ourselves and our posterity, invoking the favor and guidance of Almighty God, do ordain and establish the following Constitution and form of government for the State of Alabama:

ARTICLE 1.

Declaration of Rights.

That the great, general, and essential principles of liberty and free government may be recognized and established, we declare:

Section 1. That all men and women are equally free and independent; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty and the pursuit of happiness.

Section 2. That all political power is inherent in the people, and all free governments are founded on their authority, and instituted for their benefit; and that, therefore, they have at all times an inalienable and indefeasible right to change their form of government in such manner as they may deem expedient.

Section 3. That no religion shall be established by law; that no preference shall be given by law to any religious sect, society, denomination, or mode of worship; that no one shall be compelled by law to attend any place of worship; nor to pay any tithes, taxes, or other rate for building or repairing any place of worship, or for maintaining any minister or ministry; that no religious test shall be required as qualification to any office or public trust under this state; and that the civil rights, privileges, and capacities of any citizen shall not be in any manner affected by his religious principles.

Section 4. That no law shall ever be passed to curtail or restrain the liberty of speech or of the press; and any person may speak, write, and publish his sentiments on all subjects, being responsible for the abuse of that liberty.

Section 5. That the people shall be secure in their persons, houses, papers, and possessions from unreasonable seizure or searches, and that no warrants shall issue to search any place or to seize any person or thing without probable cause, supported by oath or affirmation.

Section 6. That in all criminal prosecutions, the accused has a right to be heard by himself and counsel, or either; to demand the nature and cause of the accusation; and to have a copy thereof; to be confronted by the witnesses against him; to have compulsory process for obtaining witnesses in his favor; to testify in all cases, in his own behalf, if he elects so to do; and, in all prosecutions by indictment, a speedy, public trial, by an impartial jury of the county or district in which the offense was committed; and he shall not be compelled to give evidence against himself, nor be deprived of life, liberty, or property, except by due process of law; but the legislature may,

by a general law, provide for a change of venue.

Section 7. That no person shall be accused or arrested, or detained, except in cases ascertained by law, and according to the form which the same has prescribed; and no person shall be punished but by virtue of a law established and promulgated prior to the offense and legally applied.

Section 8. That no person shall for any indictable offense be proceeded against criminally by information, except in cases arising in the militia when in actual service, or when assembled under arms as a military organization, or, by leave of the court, for misfeasance, misdemeanor, extortion and oppression in office, otherwise than is provided in the Constitution; provided, that in cases of misdemeanor, the legislature may by law dispense with a grand jury and authorize such prosecutions and proceedings before such other inferior courts as may be by law established. Provided further that in all felony cases, except those punishable by capital punishment, the legislature may by law dispense with a grand jury and authorize such prosecutions and proceedings in such manner as may be provided by law if the defendant, after having had the advise of counsel of his choice or in the event he is unable to employ counsel, the advice of counsel which must be appointed by the court, makes known in open court to a judge of a court having jurisdiction of the offense that he desires to plead guilty, provided, however, the defendant cannot plead guilty within fifteen days after his arrest.

Section 9. That no person shall, for the same offense, be twice put in jeopardy of life or limb; but courts may, for reasons fixed by law, discharge juries from the consideration of any case, and no person shall gain an advantage by reason of such discharge of the jury.

Section 10. That no person shall be barred from prosecuting or defending before any tribunal in this state, by himself or counsel, any civil cause to which he is a party.

Section 11. That the right of trial by jury shall remain inviolate.

Section 12. That no form of slavery shall exist in this state; and there shall not be any involuntary servitude, otherwise than for the punishment of crime, of which the party shall have been duly convicted.

Section 13. That all courts shall be open; and that every person, for any injury done him, in his lands, goods, person, or reputation, shall have a remedy by due process of law; and right and justice shall be administered without sale, denial, or delay.

Section 14. That the State of Alabama shall never be made a defendant in any court of law or equity.

Section 15. That excessive fines shall not be imposed, nor cruel or unusual punishment inflicted.

Section 16. That all persons shall, before conviction, be bailable by sufficient sureties, except for capital offenses, when the proof is evident or the presumption great; and that excessive bail shall not in any case be required.

Section 17. That the privilege of the writ of habeas corpus shall not be suspended by the authorities of this state.

Section 18. That treason against the state shall consist only in levying war against it, or adhering to its enemies, giving them aid and comfort; and that no person shall be convicted of treason, except on the testimony of two

witnesses to the same overt act, or his own confession in open court.

Section 19. That no person shall be attainted of treason by the legislature; and no conviction shall work corruption of blood or forfeiture of estate.

Section 20. That no person shall be imprisoned for debt.

Section 21. That no power of suspending laws shall be exercised except by the legislature.

Section 22. That no ex post facto law, nor any law, impairing the obligations of contracts, or making any irrevocable or exclusive grants of special privileges or immunities, shall be passed by the legislature; and every grant or franchise, privilege, or immunity shall forever remain subject to revocation, alteration, or amendment.

Section 23. That the exercise of the right of eminent domain shall never be abridged nor so construed as to prevent the legislature from taking the property and franchises of incorporated companies, and subjecting them to public use in the same manner in which the property and franchises of individuals are taken and subjected; but private property shall not be taken for, or applied to public use, unless just compensation be first made therefor; nor shall private property be taken for private use, or for the use of corporations, other than municipal, without the consent of the owner; provided, however, the legislature may by law secure to persons or corporations the right of way over the lands of other persons or corporations, and by general laws provide for and regulate the exercise by persons and corporations of the rights herein reserved; but just compensation shall, in all cases, be first made to the owner; and, provided, that the right of eminent domain shall not be so construed as to allow taxation or forced subscription for the benefit of railroads or any other kind of corporations, other than municipal, or for the benefit of any individual or association.

Section 24. That all navigable waters shall remain forever public highways, free to the citizens of the state and the United States, without tax, impost, or toll; and that no tax, toll, impost, or wharfage shall be demanded or received from the owner of any merchandise or commodity for the use of the shores or any wharf erected on the shores, or in or over the waters of any navigable streams, unless the same be expressly authorized by law.

Section 25. That the citizens have a right, in a peaceable manner, to assemble together for the common good, and to apply to those invested with the power of government for redress of grievances or other purposes, by petition, address, or remonstrance.

Section 26. That every citizen has a right to keep and bear arms in defense of himself and the state.

Section 27. That no standing army shall be kept up without the consent of the legislature, and, in that case, no appropriation for its support shall be made for a longer term than one year; and the military shall, in all cases, and at all times, be in strict subordination to the civil power.

Section 28. That no soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor, in time of war, but in a manner to be prescribed by law.

Section 29. That no title of nobility or hereditary distinction, privilege, honor, or emolument shall ever be granted or conferred in this state; and that no office shall be created, the appointment to which shall be for a

longer time than during good behavior.

Section 30. That immigration shall be encouraged; emigration shall not be prohibited, and no citizen shall be exiled.

Section 31. That temporary absence from the state shall not cause a forfeiture of residence once obtained.

Section 32. That the privilege of suffrage shall be protected by laws regulating elections, and prohibiting, under adequate penalties, all undue influences from power, bribery, tumult, or other improper conduct.

Section 33. That foreigners who are, or may hereafter become, bona fide residents of this state, shall enjoy the same rights in respect to the possession, enjoyment, and inheritance of property, as native born citizens.

Section 34. That the sole object and only legitimate end of government is to protect the citizen in the enjoyment of life, liberty, and property, and when the government assumes other functions it is usurpation and oppression.

Section 35. That this enumeration of certain rights shall not impair or deny others retained by the people; and, guard against any encroachments on the rights herein retained, we declare that everything in this Declaration of Rights is excepted out of the general powers of government, and shall forever remain inviolate.

ARTICLE II.

State Boundaries.

Section 36. The boundaries of this state are established and declared to be as follows, that is to say: Beginning at the point where the thirty-first degree of north latitude crosses the Perdido river; thence east, to the western boundary line of the State of Georgia; thence along said line to the southern boundary line of the State of Tennessee; thence west, along the southern boundary line of the State of Tennessee, crossing the Tennessee river, and on to the second intersection of said river by said line; thence up said river to the mouth of Big Bear creek; thence by a direct line to the northwest corner of Washington county, in this state, as originally formed; thence southwardly, along the line of the State of Mississippi, to the Gulf of Mexico; thence eastwardly, including all islands within six leagues of the shore, to the Perdido river; thence up the said river to the beginning; provided, that the limits and jurisdiction of this state shall extend to and include any other land and territory acquired, by contract or agreement with other states or otherwise, although such land and territory are not included within the boundaries hereinbefore designated.

ARTICLE III.

Distribution of Powers of Government.

Section 37. The powers of the government of the State of Alabama shall be divided into three distinct departments, each of which shall be confided to a separate body of magistracy, to wit: Those which are legislative, to one; those which are executive, to another; and those which are judicial, to another.

Section 38. In the government of this state, except in the instances in this Constitution hereinafter expressly directed or permitted, the legislative department shall never exercise the executive and judicial powers, or either of them; the executive shall never exercise the legislative and judicial pow-

ers, or either of them; the judicial shall never exercise the legislative and executive powers, or either of them; to the end that it may be a government of laws and not of men.

ARTICLE IV.

Legislative Department.

Section 39. The legislative power of this state shall be vested in a legislature, which shall consist of a senate and a house of representatives.

Section 40. Senators and representatives shall be elected by the qualified electors in every fourth year on the first Tuesday after the first Monday in November unless the legislature shall change the time of holding elections. The terms of office of the senators and representatives shall commence on the day after the general election at which they are elected, and expire on the day after the general election held in the fourth year after their election, except as otherwise provided in this Constitution.

Section 41. Whenever a vacancy occurs in either house of the legislature the governor shall issue a writ of election within such time as may be provided by general law to fill such vacancy for the remainder of the term. All expenses of the election shall be paid by the state. If a legally qualified candidate for election to the vacancy is unopposed when the last date for filing for places on the ballot has passed, the election shall not be held, and a certificate of election shall be issued in the manner provided by law.

Section 42. Senators shall be at least twenty-five years of age, and representatives twenty-one years of age at the time of their election. They shall have been citizens and residents of this state for three years and residents of their respective districts for one year next before their election, if such district shall have been so long established; but if not, then of the district from which the same shall have been taken; and they shall reside in their respective districts during their terms of office.

Section 43. All sessions of the legislature shall be held in the City of Montgomery at the capitol in the senate chamber and in the hall of the house of representatives, unless at any time it should from any cause become temporarily impracticable for the legislature to meet or remain at the capitol, in which case the governor may designate and provide a suitable place in the City of Montgomery for the meeting of the legislature and the transacting of business of the legislative department for such temporary time.

Section 44. The legislature shall convene on the second Tuesday in January next succeeding their election and shall remain in session for not longer than ten consecutive calendar days. No business can be transacted at such sessions except the organization of the legislature, the election of officers, the appointment of standing committees of the senate and the house of representatives for the ensuing four years, which election and appointment may, however, also be made at such other times as may be necessary, the opening and publication of the returns and the ascertainment and declaration of the results of the election for governor, lieutenant governor, attorney general, state auditor, secretary of state, state treasurer, and commissioner of agriculture and industries, the election of such officers in the event of a tie vote, the determination of contested elections for such offices, the judging of the election returns and qualification of the members of the legislature, and the inauguration of the governor and the other elected state officers whose terms of office are concurrent with that of the governor.

Section 45. At the beginning of each such organizational session, and at such other times as may be necessary, the senate shall elect one of its members president pro tempore thereof, to preside over its deliberations in the absence of the lieutenant governor, and the house of representatives shall elect one of its members as speaker, to preside over its deliberations. The president pro tempore of the senate and the speaker of the house of representatives shall each hold his respective office until his successor has been elected and qualified. Each house shall choose its own officers and shall judge of the election, returns, and qualifications of its members.

Section 46. The legislature shall convene in regular sessions annually on the first Tuesday in February, or on such other day as may be prescribed by law, and such sessions shall be limited to 30 legislative days and 105 calendar days. Special sessions of the legislature convened in the manner provided by this Constitution shall be limited to twelve legislative days and 30 calendar days.

Section 47. Members of the legislature shall receive such compensation and allowances as shall be established by the legislature by joint resolution. Except, however, no legislature may increase the compensation or allowances of its members for the term in which they are serving at the time of passage of such joint resolution. Each legislature, prior to the adjournment of the second or third regular session of the quadrennium, shall establish the compensation and allowances of legislators elected to the next term. If such resolution is not adopted prior to adjournment of the third regular session of each quadrennium, the compensation and allowances of the members of the next legislature shall be the same as the members of that legislature.

Section 48. A majority of each house shall constitute a quorum to do business; but a smaller number may adjourn from day to day and compel the attendance of absent members, in such manner and under such penalties as each house may provide.

Section 49. Each house shall have power to determine the rules of its proceedings and to punish its members and other persons, for contempt or disorderly behavior in its presence; to enforce obedience to its processes; to protect its members against violence, or offers of bribes or corrupt solicitation; and with the concurrence of two-thirds of the house, to expel a member, but not a second time for the same offense; and the two houses shall have all the powers necessary for the legislature of a free state.

Section 50. A member of the legislature, expelled for corruption, shall not thereafter be eligible to either house, and punishment for contempt or disorderly behavior shall not bar an indictment for the same offense.

Section 51. Each house shall keep a journal of its proceedings and cause the same to be published immediately after its adjournment, excepting such parts as, in its judgment, may require secrecy; and the yeas and nays of the members of either house on any question shall, at the request of one-tenth of the members present, be entered on the journal. Any member of either house shall have liberty to dissent from or protest against any act or resolution which he may think injurious to the public, or to an individual, and have the reason for his dissent entered on the journal.

Section 52. Members of the legislature shall, in all cases, except treason, felony, violation of their oath of office, and breach of the peace, be privileged from arrest during their attendance at the session of their respective houses, and in going to and returning from the same; and for any

speech or debate in either house shall not be questioned in any other place.

Section 53. The doors of each house shall be opened except on such occasions as, in the opinion of the house, may require secrecy, but no person shall be admitted to the floor of either house while the same is in session, except members of the legislature, the officers, and employees of the two houses, the governor and his secretary, representatives of the press, and other persons to whom either house, by unanimous vote, may extend the privileges of its floor.

Section 54. Neither house shall, without consent of the other, adjourn for more than three days, nor to any other place than that in which they may be sitting except as otherwise provided in this Constitution.

Section 55. No senator or representative shall, during the term for which he shall have been elected, be appointed to any office of profit under this state, which shall have been created, or the emoluments of which shall have been increased during such term, except such offices as may be filled by election by the people.

Section 56. The style of the laws of this state shall be: "Be it enacted by the legislature of Alabama", which need not be repeated, but the act shall be divided into sections for convenience, according to substance, and the sections designated merely by figures. Each law shall contain but one subject, which shall be clearly expressed in its title, except general appropriation bills, general revenue bills, and bills adopting a code, digest, or revisions of statutes; and no law shall be revived, amended, or the provisions thereof extended or conferred, by reference to its title only; but so much thereof as is revived, amended, extended, or conferred, shall be reenacted and published at length.

Section 57. No law shall be passed except by bill, and no bill shall be so altered or amended on its passage through either house as to change its original purpose.

Section 58. No bill shall become a law until it shall have been referred to a standing committee of each house, acted upon by such committee in session, and returned therefrom, which facts shall affirmatively appear upon the journal of each house.

Section 59. Every bill shall be read on three different days in each house, and no bill shall become a law, unless on its final passage it be read at length, and the vote be taken by yeas and nays, the names of the members voting for and against the same be entered upon the journals, and a majority of each house be recorded thereon as voting in its favor, except as otherwise provided in this Constitution; provided that either house may dispense with the reading at length required by this section by unanimous consent, which fact shall also be entered in the journal.

Section 60. No amendment to bills shall be adopted except by a majority of the house wherein the same is offered, nor unless the amendment with the names of those voting for and against the same shall be entered at length on the journal of the house in which the same is adopted, and no amendment to bills by one house shall be concurred in by the other, unless a vote be taken by yeas and nays, and the names of the members voting for and against the same be recorded at length on the journal; and no report of a committee of conference shall be adopted in either house, except upon a vote taken by yeas and nays, and entered on the journal, as herein provided for the adoption of amendments.

Section 61. The legislature shall have no power to authorize lotteries or gift enterprises except for charitable purposes, and shall pass laws to prohibit the sale in this state of lottery or gift enterprise tickets, or tickets in any scheme in the nature of a lottery.

Section 62. The presiding officer of each house shall, in the presence of the house over which he presides, sign all bills and joint resolutions passed by the legislature, after the same shall have been publicly read at length immediately before signing, and the fact of reading and signing shall be entered upon the journal; but the reading at length may be dispensed with by a two-thirds vote of a quorum present, which fact shall also be entered on the journal.

Section 63. The legislature shall prescribe by law the number, duties, and compensation of the officers and employees of each house, and no payment shall be made from the state treasury or be in any way authorized to any person except to an acting officer or employee elected or appointed in pursuance of law.

Section 64. The legislature shall have no power to grant or to authorize or require any county or municipal authority to grant, nor shall any county or municipal authority have power to grant, any extra compensation, fee, or allowance to any public officer, servant, or employee, agent or contractor, after service shall have been rendered or contract made, nor to increase or decrease the fees and compensation of such officers during their terms of office; nor shall any officer of the state bind the state to the payment of any sum of money but by authority of law; provided this section shall not prevent the legislature from increasing retirement benefits to those eligible for retirement benefits.

Section 65. All bills for raising revenue shall originate in the house of representatives. The senate may propose amendments to such bills.

Section 66. The general appropriation bills shall embrace nothing but appropriations for the ordinary expenses of the executive, legislative, and judicial departments of the state, for interest on the public debt, and for the public schools. In the event the legislature fails to pass such general appropriation bills for any fiscal year, which failure is not due to the governor's veto, the current appropriations for such expenses and departments, except capital outlay, one-time and conditional appropriations whether or not they have been paid, shall continue in full force and effect and in the same amounts as they were on the last day of the current fiscal year until the legislature enacts new appropriation laws to supersede the continuing appropriations provided for herein. The salary of no officer or employee shall be increased in such bills, nor shall any appropriation be made therein for any officer or employee unless his employment and the amount of his salary have already been provided for by law. All other appropriations shall be made by separate bills, each embracing but one subject.

Section 67. No money shall be paid out of the treasury except upon appropriations made by law and on warrant drawn by the proper officer in pursuance thereof; and a regular statement and account of receipts and expenditures of all public moneys shall be published annually, in such manner as may be by law directed.

Section 68. No appropriation shall be made to any charitable or educational institution not under the absolute control of the state, except by a vote of two-thirds of all members elected to each house.

Section 69. When the legislature shall be convened in special session,

there shall be no legislation upon subjects other than those designated in the proclamation of the governor calling such session, except by a vote of two-thirds of each house.

Section 70. No act of the legislature changing the seat of government of the state shall become a law until the same shall have been submitted to the qualified electors of the state at a general election, and approved by a majority of such electors voting on the same; and such act shall specify the proposed new location.

Section 71. The legislature shall prescribe by law a code of ethics for all members of the legislature and other public officers and employees prohibiting conflict between public duty and private interest, prohibiting bribery and the solicitation of bribes, and providing penalties for the violation of such code.

Section 72. A member of the legislature who has a personal or private interest in any measure or bill proposed or pending before the legislature, shall disclose the fact to the house of which he is a member, and shall not vote thereon.

Section 73. In all elections by the legislature the members shall vote viva voce, and the votes shall be entered on the journal.

Section 74. It shall be the duty of the legislature, to make provision by law for revising, digesting, and promulgating the public statutes of this state, of a general nature, both civil and criminal.

Section 75. The legislature may require the state and counties to make adequate provisions for the maintenance of the poor.

Section 76. The legislature shall not have power to authorize any county or municipal governing body to pass any laws inconsistent with the general laws applicable to the whole state.

Section 77. The legislature shall provide by law for the exemption of personal property and of homesteads from forced sale for the payment of debts and shall by law prescribe such rules and regulations as may be necessary to ascertain the value of real and personal property so exempted from sale.

Section 78. There can be no law of this state impairing the obligation of contracts by destroying or impairing the remedy for their enforcement; and the legislature shall have no power to revive any right or remedy which may have become barred by lapse of time, or by any statute of this state. After suit has been commenced on any cause of action, the legislature shall have no power to take away such cause of action, or destroy any existing defense to such suit.

Section 79. The legislature shall not enact any law not applicable to all the counties in the state regulating costs and charges of courts, provided that all general and local laws validly enacted under the provisions of the Constitution of 1901, was amended, providing for court costs in any county shall continue in effect until they are repealed or expire by their own limitations.

Section 80. The legislature shall not authorize payment to any person of the salary of a deceased officer beyond the date of his death.

Section 81. The legislature shall not retire any officer on pay, or part pay, or make any grant to such retiring officer.

Section 82. Lands belonging to or under the control of the state shall never be donated, directly or indirectly, to private corporations, partnerships, associations, or persons, or railroad companies; nor shall such lands be sold to corporations or associations for a less price than that for which they are subject to sale to individuals; provided, that nothing contained in this section shall prevent the legislature from granting a right of way, not exceeding one hundred and twenty-five feet in width, as a mere easement, for railroads or telegraph or telephone lines across state land, and the legislature shall never dispose of the land covered by such right of way except subject to such easement.

Section 83. No obligation or liability of any person, association, or corporation held or owned by this state, or by any county or other municipality thereof, shall ever be remitted, released, or postponed, or in any way diminished by the legislature; nor shall such liability or obligation be extinguished except by payment thereof; nor shall such liability or obligation be exchanged or transferred except upon payment of its face value; provided, that this section shall not prevent the legislature from providing by general law for the compromise of doubtful claims.

Section 84. No state or county official shall, at any time during his term of office, accept, either directly or indirectly, any fee, money, office, appointment, employment, reward, or thing of value, or of personal advantage, or the promise thereof, to lobby for or against any measure pending before the legislature, or to give or withhold his influence to secure the passage or defeat of any such measure.

Section 85. The legislature shall provide by law for the regulation, prohibition, or reasonable restraint of common carriers, partnerships, associations, trusts, monopolies, and combinations of capital, so as to prevent them or any of them from making scarce articles of necessity, trade, or commerce, or from increasing unreasonably the cost thereof to the consumer, or preventing reasonable competition in any calling, trade, or business.

Section 86. The legislature shall not pass a special, private, or local law in any of the following cases:

(1) Granting a divorce;

(2) Relieving any minor of the disabilities of nonage;

(3) Providing for the adoption of legitimizing of any child;

(4) Establishing rules of descent or distribution;

(5) Regulating the time within which a civil or criminal action may be begun;

(6) Providing for the sale of the property of any individual or estate;

(7) Regulating the rate of interests;

(8) Fixing the punishment of crime;

(9) Regulating either the assessment or collection of taxes;

(10) Giving effect to an invalid will, deed, or other instrument;

(11) Creating, extending, or impairing any lien;

(12) Missing

(13) Increasing the jurisdiction and fees of constables;

(14) Establishing separate school districts;

(15) Establishing separate stock districts;

(16) Exempting property from taxation or from levy or sale;

(17) Exempting any person from jury, or other civil duty;

(18) Remitting fines, penalties, or forfeitures;

(19) Providing for the conduct of elections or designating places of voting, or changing the boundaries of wards, precincts, or districts, except in the event of the organization of new counties, or the changing of the lines of old counties;

(20) Restoring the right to vote to persons convicted of felonies involving moral turpitude;

(21) Declaring who shall be liners between precincts or between counties.

The legislature shall pass general laws for the cases enumerated in this section, provided that nothing in this section or article shall affect the right of the legislature to enact local laws regulating or prohibiting the liquor traffic; but on such local law shall be enacted unless notice shall have been given as required in section 88 of this constitution.

Section 87. No special, private, or local law shall be enacted in any case which is provided for by a general law, or when the relief sought can be given by any court of this state; and the courts, and not the legislature shall judge as to whether the matter of said law is provided for by a general law, and as to whether the relief sought can be given by any court; nor shall the legislature indirectly enact any such special, private, or local law by the partial repeal of a general law nor shall the legislature enact a special, private or local law granting, amending, confirming, or extending the charter of any private or municipal corporation, or remitting the forfeiture thereof.

Section 88. No special, private, or local law shall be passed on any subject unless notice of the intention to apply therefor shall have been published, without cost to the state, in the county or counties where the matter or thing to be affected may be situated, which notice shall state the substance of the proposed law and be published at least once a week for four consecutive weeks in some newspaper published in such county or counties or if there is no newspaper published therein, then by posting the said notice for two consecutive weeks at five different places in the county or counties prior to the introduction of the bill; and proof that said notice has been given shall be exhibited to each house of the legislature through a certification by the clerk of the house or secretary of the senate that notice and proof was attached to the subject local legislation and the notice and proof shall be attached to the original copy of the subject bill and shall be filed in the department of archives and history where it shall constitute a public record. The courts shall pronounce void every special, private, or local law which the journals do not affirmatively show was passed in accordance with the provisions of this section.

Section 89. The legislature shall not, by a special, private, or local law, repeal or modify any special, private, or local law except upon notice being given and shown as provided in the last section.

Section 90. The operation of a general law shall not be suspended for the benefit of any individual, private corporation, or association; nor shall any individual, private corporation or association be exempted from the op-

eration of any general law except as in this article otherwise provided.

Section 91. A general law is a law which in its terms and effect applies either to the whole state, or to one or more municipalities of the state less than the whole in a class. A general law applicable to such a class of municipalities shall define the class on the basis of criteria reasonably related to the purpose of the law. The legislature may enact and change from time to time a general schedule of not more than eight classes of municipalities based on population according to any designated federal decennial census, and general laws for any purpose may thereafter be enacted for any such class. Any law heretofore enacted which complies with the provisions of this section shall be considered a general law. No general law which at the time of its enactment applies to only one municipality of the state shall be enacted, unless notice of the intention to apply therefor shall have been given and shown as provided in section 88 of this Constitution for special, private or local laws; provided, that such notice shall not be deemed to constitute such law a local law. A special or private law is one which applies to an individual, association or corporation. A local law is a law which is not a general law or special or private law.

Section 92. No bill introduced as a general law in either house of the legislature shall be so amended on its passage as to become a special, private or local law.

ARTICLE V.

Executive Department.

Section 93. The executive department shall consist of a governor, lieutenant governor, attorney general, state auditor, secretary of state, state treasurer, commissioner of agriculture and industries, and a sheriff for each county.

Section 94. The supreme executive power of this state shall be vested in a chief magistrate, who shall be styled "The Governor of the State of Alabama".

Section 95. The governor, lieutenant governor, attorney general, state auditor, secretary of state, state treasurer, and commissioner of agriculture and industries shall be elected by the qualified electors of the state at the same time and places appointed for the election of members of the legislature.

Section 96. The returns of every election for governor, lieutenant governor, attorney general, state auditor, secretary of state, state treasurer, and commissioner of agriculture and industries shall be sealed up and transmitted by the returning officers to the seat of government, directed to the speaker of the house of representatives, who shall, during the first week of the session to which such returns shall be made, open and publish them in the presence of both houses of the legislature in joint convention; but the speaker's duty and the duty of the joint convention shall be purely ministerial. The result of the election shall be ascertained and declared by the speaker from the face of the returns without delay. The person having the highest number of votes for any one of said offices shall be declared duly elected; but if two or more persons shall have an equal and the highest number of votes for the same office, the legislature by joint vote, without delay, shall choose one of said persons for said office. Contested elections for governor, lieutenant governor, attorney general, state auditor, secretary of state, state treasurer, and commission of agriculture and industries, shall be determined by both houses of the legislature in such manner as may be

prescribed by law.

Section 97. The governor, lieutenant governor, attorney general, state auditor, secretary of state, state treasurer and commissioner of agriculture and industries shall hold their respective offices for the term of four years from noon on the first Monday after the second Tuesday in January next succeeding their election and until their successors shall be elected and qualified. Each of said officers shall be eligible to succeed himself in office, but no person shall be eligible to succeed himself for more than one additional term.

Section 98. The governor and lieutenant governor shall each be at least thirty years of age when elected, and shall have been citizens of the United States ten years and resident citizens of this state at least seven years next before the date of their election.

Section 99. The lieutenant governor shall be ex officio president of the senate, but shall have no right to vote except in the event of a tie.

Section 100. The governor, lieutenant governor, attorney general, state auditor, secretary of state, state treasurer, and commissioner of agriculture and industries, shall receive compensation to be fixed by law, which shall not be increased or diminished during the term for which they shall have been elected, and shall, except the lieutenant governor, reside at the state capital during the time they continue in office. The compensation of the lieutenant governor shall be the same as that received by the speaker of the house, except while serving as governor, during which time his compensation shall be the same as that allowed the governor.

Section 101. The governor shall take care that the laws be faithfully executed.

Section 102. The governor may require information in writing, under oath, from the officers of the executive department, named in this article, or created by statute, on any subject, relating to the duties of their respective offices, and he may at any time require information in writing, under oath, from all officers and managers of state institutions, upon any subject relating to the condition, management and expenses of their respective offices and institutions. Any such officer or manager who makes a willfully false report or fails without sufficient excuse to make the required report on demand, is guilty of an impeachable offense.

Section 103. The governor may, by proclamation, on extraordinary occasions, convene the legislature and he shall state specifically in such proclamation each matter concerning which the action of that body is deemed necessary.

Section 104. The governor shall, from time to time, give to the legislature information of the state of the government, and recommend for its consideration such measures as he may deem expedient; and at the commencement of each regular session of the legislature, and at the close of his term of office, he shall give information by written message of the condition of the state; and he shall account to the legislature, as may be prescribed by law, for all moneys received and paid out by him or by his order; and at the commencement of each regular session he shall present to the legislature estimates of the amount of money required to be raised by taxation for all purposes.

Section 105. The governor shall have power to grant reprieves and commutations to persons under sentence of death. The legislature shall

have power to provide for and to regulate the administration of pardons, paroles remission of fines and forfeitures, and may authorize the courts having criminal jurisdiction to suspend sentence and to order probation. No pardon shall relieve from civil and political disabilities unless specifically expressed in the pardon.

Section 106. Every bill which shall have passed both houses of the legislature, except as otherwise provided in this Constitution, shall be presented to the governor; if he approves, he shall sign it; but if not, he shall return it with his objections to the house in which it originated, which shall enter the objections at large upon the journal and proceed to reconsider it. If the governor's message proposes no amendment which would remove his objections to the bill, the house in which the bill originated may proceed to reconsider it, and if a majority of the whole number elected to that house vote for the passage of the bill, it shall be sent to the other house, which shall in like manner reconsider, and if a majority of the whole number elected to that house vote for the passage of the bill, the same shall become a law, notwithstanding the governor's veto. If the governor's message proposes amendment which would remove his objections, the house to which it is sent may so amend the bill and send it with the governor's message to the other house, which may adopt, but cannot amend, said amendment; and both houses concurring in the amendment, the bill shall again be sent to the governor and acted on by him as other bills. If the house to which the bill is returned refuses to make such amendments, it shall proceed to reconsider it; and if a majority of the whole number elected to that house shall vote for the passage of the bill, it shall be sent with the objections to the other house, by which it shall likewise be reconsidered, and if approved by a majority of the whole number elected to that house, it shall become a law. If the house to which the bill is returned makes the amendment, and the other house declines to pass the same, that house shall proceed to reconsider it, as though the bill had originated therein, and such proceedings shall be taken thereon as above provided. In every such case the vote of both houses shall be determined by yeas and nays, and the names of the members voting for or against the bill shall be entered upon the journals of each house, respectively. If any bill shall not be returned by the governor within six days, Sunday excepted, after it shall have been presented, the same shall become a law in like manner as if he had signed it, unless the legislature, by its adjournment, prevent the return, in which case it shall not be a law; but when return is prevented by recess, such bill must be returned to the house in which it originated within two days after the reassembling, otherwise it shall become a law, but bills presented to the governor within five days before the final adjournment of the legislature may be approved by the governor at any time within ten days after such adjournment, and if approved and deposited with the secretary of state within that time shall become law. Every vote, order, or resolution to which concurrence of both houses may be necessary, except on questions of adjournment and the bringing on of elections by the two houses, and amending this Constitution, shall be presented to the governor; and, before the same shall take effect, be approved by him; or, being disapproved, shall be repassed by both houses according to the rules and limitations prescribed in the case of a bill.

Section 107. The governor shall have power to approve or disapprove any item or items of any appropriation bill embracing distinct items, and the part or the parts of the bill approved shall be the law, and the item or items disapproved shall be void, unless repassed according to the rules and limitations prescribed for the passage of bills over the executive veto; and he shall in writing state specifically the item or items he disapproves, set-

ting the same out in full in his message, but in such case the enrolled bill shall not be returned with the governor's objection.

Section 108. In case of the governor's removal from office, death or resignation, the lieutenant governor shall become governor. If both the governor and lieutenant governor be removed from office, die or resign more than sixty days prior to the next general election, at which any state officers are to be elected, a governor and lieutenant governor shall be elected at such election for the unexpired term, and in the event of a vacancy in the office, caused by the removal from office, death or resignation of the governor and lieutenant governor, pending such vacancy and until their successors shall be elected and qualified, the office of governor shall be held and administered by either the president pro tempore of the senate, speaker of the house of representatives, attorney general, state auditor, secretary of state, or state treasurer in the order herein named. In case of the impeachment of the governor, his absence from the state for more than twenty days, unsoundness of mind, or other disability, the power and authority of the office shall, until the governor is acquitted, returns to the state, or is restored to his mind, or relieved from other disability, devolve in the order herein named, upon the lieutenant governor, president pro tempore of the senate, speaker of the house of representatives, attorney general, state auditor, secretary of state, and state treasurer. If any of these officers be under any of the disabilities herein specified, the office of the governor shall be under any of the disabilities herein specified, the office of the governor shall be administered in the order named by such of these officers as may be free from such disability. If the governor shall be absent from the state over twenty days, the secretary of state shall notify the lieutenant governor, who shall enter upon the duties of governor; if both the governor and lieutenant governor shall be absent from the state over twenty days, the secretary of state shall notify the president pro tempore of the senate, who shall enter upon the duties of governor, and so on, in case of such absence, he shall notify each of the other officers named in their order, who shall discharge the duties of the office until the governor or other officer entitled to administer the office in succession to the governor returns. If the governor-elect fails or refuses from any cause to qualify, the lieutenant governor-elect shall qualify and exercise the duties of governor until the governor-elect qualifies; and in the event both the governor-elect and the lieutenant governor-elect from any cause fail to qualify, the president pro tempore of the senate, the speaker of the house of representatives, the attorney general, state auditor, secretary of state, and state treasurer, shall, in like manner, in the order named, administer the office until the governor-elect or lieutenant governor-elect qualifies.

Section 109. If the governor or other officer administering the office shall appear to be of unsound mind, it shall be the duty of the supreme court of Alabama, at any regular term, or at any special term, which it is hereby authorized to call for that purpose, upon request in writing, verified by their affidavits, of any two of the officers named in section 108 of this Constitution, not next in succession to the office of governor, to ascertain the mental condition of the governor or other officer administering the office, and if he is adjudged to be of unsound mind, to so decree, a copy of which decree, duly certified, shall be filed in the office of the secretary of state; and in the event of such adjudication, it shall be the duty of the officer next in succession to perform the duties of the office until the governor or other officer administering the office is restored to his mind. If the incumbent denies that the governor or other person entitled to administer the office has been restored to his mind, the supreme court, at the instance of

any officer named in section 108 of this Constitution, shall ascertain the truth concerning the same, and if the officer has been restored to his mind, shall so adjudge and file a duly certified copy of its decree with the secretary of state; and in the event of such adjudication, the office shall be restored to him. The supreme court shall prescribe the method of taking testimony and the rules of practice in such proceedings, which rule shall include a provision for the service of notice of such proceedings on the governor or person acting as governor.

Section 110. The lieutenant governor, president pro tempore of the senate, speaker of the house, attorney general, state auditor, secretary of state, or state treasurer, while administering the office of governor, shall receive like compensation as that prescribed by law for the governor, and no other.

Section 111. No person shall, at the same time, hold the office of governor and any other office under this state or the United States except service in the military forces of the United States and except as otherwise provided in this Constitution.

Section 112. The governor shall be commander-in-chief of the militia of this state, except when they shall be called into the service of the United States, and he may call out the same to execute the laws, suppress insurrection, and repel invasion, but need not command in person unless directed to do so by resolution of the legislature.

Section 113. No person shall be eligible to the office of attorney general, state auditor, secretary of state, state treasurer, or commissioner of agriculture and industries unless he shall have been a citizen of the United States at least seven years, and shall have resided in this state at least five years next preceding his election, and shall be at least twenty-five years old when elected.

Section 114. There shall be a seal of the state, which shall be used officially by the governor, and the seal now in use shall continue to be used until another shall have been adopted by the legislature. The seal shall be called "The Great Seal of the State of Alabama".

Section 115. The secretary of state shall be the custodian of the great seal of the state, and shall authenticate therewith all official acts of the governor, except his approval of laws, resolutions, appointments to office, and administrative orders. He shall keep a register of the official acts of the governor, and when necessary, shall attest them, and lay copies of same together with copies of all papers relative thereto, before either house of the legislature, when required to do so, and shall perform such other duties as may be prescribed by law.

Section 116. All grants and commissions shall be issued in the name and by the authority of the State of Alabama, sealed with the great seal of the state, signed by the governor and countersigned by the secretary of state.

Section 117. Should the office of attorney general, state auditor, secretary of state, state treasurer, or commissioner of agriculture and industries become vacant from any cause, the governor shall fill such vacancy until the disability is removed or a successor elected and qualified. In case any of said officers shall become of unsound mind, such unsoundness shall be ascertained by the supreme court upon the suggestion of the governor.

Section 118. The attorney general, state auditor, secretary of state,

state treasurer, and commissioner of agriculture and industries shall perform such duties as may be prescribed by law. The state treasurer and state auditor shall, every year, at a time fixed by the legislature, make a full and complete report to the governor, showing the receipts and disbursements of every character, all claims audited and paid out, by items, and all taxes and revenues collected and paid into the treasury, and the sources thereof. They shall make reports more often upon any matters pertaining to their offices if required by the governor or the legislature. The attorney general, state auditor, secretary of state, state treasurer, and commissioner of agriculture and industries shall not receive to their use any fees, costs, perquisites of office or other compensation than the salaries prescribed by law, and all fees that may be payable for any services performed by such officers shall be at once paid into the state treasury. The legislature may require the attorney general to defend any or all suits brought against the state, or any subdivision thereof, or against any state school board or state board of education, or against any county or city school board or board of education, or against like boards or commissions by whatever name designated, or against any members, officers, or employees of any such boards, or against any school official or employee throughout Alabama.

Section 119. A sheriff shall be elected in each county by qualified electors thereof who shall hold office for a term of four years unless sooner removed, and he shall be eligible to such office as his own successor. Whenever any prisoner is taken from jail, or from the custody of any sheriff or his deputy, and put to death, or suffers grievous bodily harm, owing to the neglect, connivance, cowardice, or other grave fault of the sheriff, such sheriff may be impeached, under section 143 of this Constitution. If the sheriff be impeached, and thereupon convicted, he shall not be eligible to hold any office in this state during the time for which he had been elected or appointed to serve as sheriff.

ARTICLE VI.

Judicial Department.

Section 120. (a) Except as otherwise provided by this Constitution, the judicial power of the state shall be vested exclusively in a unified judicial system which shall consist of a supreme court, a court of criminal appeals, a court of civil appeals, a trial court of general jurisdiction known as the circuit court, a trial court of limited jurisdiction known as the district court, a probate court and such municipal courts as may be provided by law.

(b) The legislature may create judicial offices with authority to issue warrants and may vest in administrative agencies established by law such judicial powers as may be reasonably necessary as an incident to the accomplishment of the purposes for which the agencies are created.

Section 121. (a) The supreme court shall be the highest court of the state and shall consist of one chief justice and such number of associate justices as may be prescribed by law.

(b) The supreme court shall have original jurisdiction (1) of cases and controversies as provided by this Constitution, (2) to issue such remedial writs or orders as may be necessary to give it general supervision and control of courts of inferior jurisdiction, and (3) to answer questions of state law certified by a court of the United States.

(c) The supreme court shall have such appellate jurisdiction as may be provided by law.

Section 122. (a) The court of criminal appeals shall consist of such number of judges as may be provided by law and shall exercise appellate jurisdiction under such terms and conditions as shall be provided by law and by rules of the supreme court.

(b) The court of civil appeals shall consist of such number of judges as may be provided by law and shall exercise appellate jurisdiction under such terms and conditions as shall be provided by law and by rules of the supreme court.

(c) The court of criminal appeals and the court of civil appeals shall have no original jurisdiction except the power to issue all writs necessary or appropriate in aid of appellate jurisdiction of the courts of appeals.

(d) The court of criminal appeals shall have and exercise original jurisdiction in the issuance and determination of writs of quo warranto and mandamus in relation to matters in which said court has appellate jurisdiction. Said court shall have authority to issue writs of injunction, habeas corpus and such other remedial and original writs as are necessary to give it a general superintendence and control of jurisdiction inferior to it and in matters over which it has exclusive appellate jurisdiction; to punish for contempts by the infliction of a fine as high as one hundred dollars, and imprisonment not exceeding ten days, one or both, and to exercise such other powers as may be given to said court by law.

Section 123. (a) The state shall be divided into judicial circuits. For each circuit, there shall be one circuit court having such divisions and consisting of such number of judges as shall be provided by law.

(b) The circuit court shall exercise general jurisdiction in all cases except as may otherwise be provided by law. The circuit court may be authorized by law to review decisions of state administrative agencies and decisions of inferior courts. It shall have authority to issue such writs as may be necessary or appropriate to effectuate its powers, and shall have such other powers as may be provided by law.

Section 124. The district court shall be a court of limited jurisdiction and shall exercise uniform original jurisdiction in such cases, and within such geographical boundaries, as shall be prescribed by law, provided that the district court shall hold court in each county seat and at such other places as prescribed by law. The district court shall have jurisdiction of all cases arising under ordinances of municipalities in which there is no municipal court and shall hold court in each incorporated municipality of a population of 1000 or more where there is no municipal court at places prescribed by law. The revenue from fines, forfeitures and court costs produced in district courts from the exercise of jurisdiction under municipal ordinances shall be apportioned between the municipality and the state as shall be provided by law.

Section 125. There shall be a probate court in each county which shall have general jurisdiction of orphans' business, and of adoptions, and with power to grant letters testamentary, and of administration, and of guardianships, and shall have such further jurisdiction as may be provided by law, provided, that whenever the circuit court has taken jurisdiction of the settlement of any estate, it shall have power to do all things necessary for the settlement of such estate, including the appointment and removal of administrators, executors, guardians, and trustees and including action upon the resignation of either of them.

Section 126. (a) All municipal courts shall have uniform original juris-

diction limited to cases arising under municipal ordinances as prescribed by law. Judges of municipal courts shall be licensed to practice law in the state and have such other qualifications as the legislature may prescribe. A municipal judge may serve as a judge of more than one municipal court. Expenses of municipal courts and compensation of municipal judges shall be paid in a manner prescribed by law. Municipal judges shall be appointed and vacancies filled by the governing body of the municipality, in accordance with uniform terms, conditions and procedures as may be provided by law, notwithstanding the provisions of sections 134, 135 and 136 of this article.

(b) The governing body of a municipality shall have the right to elect at any time to abolish the municipal court within its limits. If such election is exercised, the jurisdiction of the court abolished shall be transferred to the district court of the district in which the municipality is located. The governing body of a municipality, may, at its election, reestablish a municipal court after appropriate notice.

Section 127. Judges of the supreme court, courts of appeals, circuit court and district court shall be licensed to practice law in this state and have such other qualifications as the legislature may prescribe. Judges of the probate court shall have such qualifications as may be provided by law.

Section 128. (a) No judge of any court of this state, except a municipal judge, shall, during his continuance in office, engage in the practice of law and no judge of any court of this state shall receive any remuneration for his judicial service except the salary and allowances authorized by law.

(b) No judge, except a judge of a probate court, or municipal court, shall seek or accept any nonjudicial elective office, or hold any other office of public trust, excepting service in the military forces of the state or federal governments.

(c) The supreme court shall adopt rules of conduct and canons of ethics, not inconsistent with the provisions of this Constitution, for the judges of all courts of this State.

Section 129. (a) A state judicial compensation commission is hereby created which shall recommend the salary and expense allowances to be paid from the state treasury for all the judges of this state except for judges of municipal courts and judges of the probate courts. The commission shall consist of five members; one shall be appointed by the governor, one by the president of the senate, one by the speaker of the house, and two by the governing body of the Alabama state bar.

(b) Members of the judicial compensation commission shall serve for terms of four years. Any vacancy on the commission shall be filled in the same manner in which such positions was originally filled. The legislature shall appropriate sufficient funds for the expenses of the commission.

(c) No member of the commission shall hold any other public office, or office in any political party, and no member of the commission shall be eligible for appointment to a state judicial office so long as he is a member of the commission and for two years thereafter.

(d) The commission may submit a report to the legislature at any time within the first five calendar days of any session. The recommendations of the commission shall become law upon confirmation by a joint resolution or such recommendations may be altered by an act or a joint resolution of the legislature at the session to which the report is submitted; provided, how-

ever, that, as thus fixed, such compensation shall not become effective until the first day of the fiscal year next following. The compensation of a judge shall not be diminished during his official term.

Section 130. The chief justice of the supreme court shall be the administrative head of the judicial system. He shall appoint an administrative director of courts and other needed personnel to assist him with his administrative tasks. The chief justice may assign appellate justices and judges to any appellate court for temporary service as trial judges, supernumerary justices and judges, and retired trial judges and retired appellate judges for temporary service in any court. Adequate and reasonable financing for the entire unified judicial system shall be provided. Adequate and reasonable appropriations shall be made by the legislature for the entire unified judicial system, exclusive of probate courts and municipal courts. The legislature shall receive recommendations for appropriations for the trial courts from the administrative director of courts and for the appellate courts from each such court.

Section 131. The supreme court shall make and promulgate rules governing the administration of all courts and rules governing practice and procedures in all courts; provided, however, that such rules shall not abridge, enlarge or modify the substantive right of any party nor affect the jurisdiction of circuit and district courts or venue of actions therein; and provided, further, that the right of trial by jury as at common law and declared by section 11 of this Constitution shall be preserved to the parties inviolate. These rules may be changed by a general act of statewide application.

Section 132. The power to change the venue in civil and criminal causes is vested in the courts, to be exercised in such manner as shall be provided by general law.

Section 133. (a) The supreme court shall establish criteria for determining the number and boundaries of judicial circuits and districts, and the number of judges needed in each circuit and district. If the supreme court finds that a need exists for increasing or decreasing the number of circuit or district judges, or for changing the boundaries of judicial circuits or districts, it shall, at the beginning of any session of the legislature, certify its findings and recommendations to the legislature.

(b) If a bill is introduced at any session of the legislature to increase or decrease the number of circuit or district judges, or to change the boundaries of any judicial circuit or district, the supreme court must, within three weeks, report to the legislature its recommendations on the proposed change. No change shall be made in the number of circuit or district judges, or the boundaries of any judicial circuit or district unless authorized by an act adopted after the recommendation of the supreme court on such proposal has been filed with the legislature.

(c) An act decreasing the number of circuit or district judges shall not affect the right of any judge to hold his office for his full term.

Section 134. All judges shall be elected by vote of the electors within the territorial jurisdiction of their respective courts.

Section 135. The office of a judge shall be vacant if he dies, resigns, retires, or is removed. Vacancies in any judicial office shall be filled by appointment by the governor, provided, however, that the procedure and authority for filling judicial vacancies as provided in amendments 83, 110, 328, 334 and 408 of the Constitution of 1901 shall be continued. A judge, other than a probate judge, appointed to fill a vacancy, shall serve the remainder

of the unexpired term or a term lasting until the first Monday after the second Tuesday in January following the next general election held after he has completed one year in office whichever is shorter. At such election such judicial office shall be filled for a full term of office. Upon the creation of a new judgeship pursuant to the provision of this constitution, such judgeship shall initially be filled as if a vacancy existed in such judgeship.

Section 136. (a) The term of office of each judge of a court of the judicial system of this state shall be six years.

(b) A law reducing the number of judges of the supreme court or of a court of appeals shall be without prejudice to the right of the judges affected to seek retention in office. The reduction shall become effective when a vacancy in the affected court occurs.

Section 137. The legislature shall provide by law for the retirement of judges, with such conditions, retirement benefits, and pensions for them and their dependents as it may prescribe.

Section 138. (a) A judicial inquiry commission is created consisting of seven members. The supreme court shall appoint one appellate justice or judge and the circuit judges' association shall appoint two judges of the circuit court as members of the commission. The governor shall appoint two persons who are not lawyers and the governing body of the Alabama state bar shall appoint two members of the state bar to serve as members of the commission. The commission shall select its own chairman. The terms of the members of the commission shall be four years. A vacancy on the commission shall be filled for a full term in the manner the original appointment was made.

(b) The commission shall be convened permanently with authority to conduct investigations, and to receive or initiate complaints concerning any judge of a court of the judicial system of this state. The commission shall file a complaint with the court of the judiciary in the event that a majority of the members of the commission decide that a reasonable basis exists, (1) to charge a judge with violation of any canon of judicial ethics, misconduct in office, failure to perform his duties, or (2) to charge that the judge is physically or mentally unable to perform his duties. All proceedings of the commission shall be confidential except the filing of a complaint with the court of the judiciary. The commission shall prosecute the complaints.

(c) The supreme court shall adopt rules governing the procedures of the commission.

(d) The commission shall have subpoena power and authority to appoint and direct its staff. Members of the commission who are not judges shall receive per diem compensation and necessary expenses; members who are judges shall receive necessary expenses only. The legislature shall appropriate funds for the operation of the commission.

Section 139. (a) The court of the judiciary is created consisting of one judge of an appellate court, who shall be selected by the supreme court and shall serve as chief judge of the court of the judiciary, two judges of the circuit court, who shall be selected by the circuit judges' association, and two members of the state bar, who shall be selected by the governing body of the Alabama state bar. The court shall be convened to hear complaints filed by the judicial inquiry commission. The court shall have authority, after notice and public hearing, (1) to remove from office, suspend without pay or censure a judge, or apply such other sanction as may be prescribed by law, for violation of a canon of judicial ethics, misconduct in office, or

failure to perform his duties, or (2) to suspend with or without pay or to retire a judge who is physically or mentally unable to perform his duties.

(b) A judge aggrieved by a decision of the court of the judiciary may appeal to the supreme court. The supreme court shall review the record of the proceedings on the law and the facts.

(c) The supreme court shall adopt rules governing the procedures of the court of the judiciary.

(d) The court of the judiciary shall have power to issue subpoenas. The legislature shall provide by law for the expenses of the court.

Section 140. A judge shall be disqualified from acting as a judge, without loss of salary, while there is pending (1) an indictment or an information charging him in the United States with a crime punishable as a felony under a state or federal law, or (2) a complaint against him filed by the judicial inquiry commission with the court of the judiciary.

Section 141. (a) A district attorney for each judicial circuit shall be elected by the qualified electors of those counties in such circuit. Such district attorney shall be licensed to practice law in this state and shall, at the time of his election and during his continuance in office, reside in his circuit. His term of office shall be for six years and he shall receive such compensation as provided by law. Vacancies in the office of district attorney and in his staff shall be filled as provided by law.

(b) Clerks of the circuit courts shall be elected by the qualified electors in each county for a term of six years. Vacancies in the office of clerk of the circuit court shall be filled by the judge or judges of the circuit court who have jurisdiction over the county in which the office of clerk of the circuit court is located.

ARTICLE VII.

Impeachments.

Section 142. The governor, lieutenant governor, attorney general, state auditor, secretary of state, state treasurer, and commissioner of agriculture and industries, may be removed from office for willful neglect of duty, corruption in office, incompetency, or intemperance in the use of intoxicating liquors or narcotics to such an extent, in view of the dignity of the office and importance of its duties, as unfits the officer for the discharge of such duties, or for any offense involving moral turpitude while in office, or committed under color thereof, or connected therewith, by the senate sitting as a court of impeachment, under oath or affirmation, on articles or charges preferred by the house of representatives. When the governor or lieutenant governor is impeached, the chief justice, or if he be absent or disqualified, then one of the associate justices of the supreme court, to be selected by it, shall preside over the senate when sitting as a court of impeachment. If at any time when the legislature is not in session, a majority of all the members elected to the house of representatives shall certify in writing to the secretary of state their desire to meet to consider the impeachment of the governor, lieutenant governor, or other officer administering the office of governor, it shall be the duty of the secretary of state immediately to notify the speaker of the house, who shall, within ten days after receipt of such notice, summon the members of the house, by publication in some newspaper published at the capital, to assemble at the capitol on a day to be fixed by the speaker, not later than fifteen days after the receipt of the notice to him from the secretary of state, to consider the impeach-

ment of the governor, lieutenant governor, or other officer administering the office of governor. If the house of representatives prefer articles of impeachment, the speaker of the house shall forthwith notify the lieutenant governor, unless he be the officer impeached, in which event he shall notify the secretary of state, who shall summon, in the manner herein above provided for, the members of the senate to assemble at the capitol on a day to be named in said summons, not later than ten days after receipt of the notice from the speaker of the house, for the purpose of organizing as a court of impeachment. The senate, when thus organized, shall hear and try such articles of impeachment against the governor, lieutenant governor, or other officer administering the office of governor, as may be preferred by the house of representatives.

Section 143. District attorneys and sheriffs may be removed from office for any of the causes specified in the preceding section or elsewhere in this Constitution, by the supreme court, under such regulations as may be prescribed by law. The legislature may provide for the impeachment or removal of other officers than those named in this article.

Section 144. The clerks of the circuit courts, tax collectors, tax assessors, county treasurers, county superintendents of education, coroners, notaries public, constables, and all other county officers, mayors and all other officers of incorporated cities and towns in this state, may be removed from office for any of the causes specified in section 142 of this Constitution, by the circuit courts of the county in which such officers hold their office, under such regulations as may be prescribed by law; provided, that the right of trial by jury and appeal in such cases shall be secured.

Section 145. The penalties in cases arising under the three preceding sections shall not extend beyond removal from office, and disqualifications from holding office, under the authority of this state, for the term for which the officer was elected or appointed; but the accused shall be liable to indictment and punishment as prescribed by law.

ARTICLE VIII.

Suffrage and Elections.

Section 146. Every citizen of the United States who has attained the age of eighteen years and has resided in this state and in a county thereof for the time provided by law, if registered as provided by law, shall have the right to vote in the county of his residence. The legislature may prescribe reasonable and nondiscriminatory requirements as prerequisites to registration for voting.

Section 147. No person convicted of a felony involving moral turpitude, or who is mentally incompetent, shall be qualified to vote until restoration of civil and political rights or removal of disability.

Section 148. The legislature shall by law provide for the registration of voters, absentee voting, secrecy in voting, the administration of elections, and the nomination of candidates.

ARTICLE IX.

Representation.

Section 149. The number of senators shall be not more than thirty-five and the number of representatives shall be not more than one hundred five.

Section 150. The State shall be divided by law into single-member districts for the election of members of the Senate and into single-member districts for the election of members of the House of Representatives. Each single-member district shall consist of compact and adjoining territory, and the population of each such district shall be as nearly equal as practicable.

Section 151. Reapportionment of senatorial and house of representatives districts shall be accomplished by the legislature by law as soon as practical after official publication of each decennial census of the United States.

Section 152. Redistricting of congressional districts for the election of the members of the United States House of Representatives shall be accomplished by the legislature by law as soon as practical after official publication of each decennial census of the United States.

ARTICLE X.

Education.

Section 153. It is the policy of the state of Alabama to foster and promote public education and in furtherance of that policy the legislature may provide for the maintenance and support of public schools and may establish, organize and support such other public educational institutions, including public institutions of higher learning, as the legislature may deem desirable.

Section 154. General supervision of the public schools in Alabama shall be vested in a state board of education, which shall be elected in such manner as the legislature may provide.

Section 155. The chief state school officer shall be the state superintendent of education, who shall be appointed by the state board of education and serve at its pleasure. The authority and duties of the superintendent of education shall be determined by the state board of education according to such regulations as the legislature may prescribe. The superintendent of education shall receive an annual salary which shall be fixed by the State Board of Education within limits set by the legislature of Alabama and shall be paid from the state treasury in installments as the salaries of other state officers are paid.

Section 156. The principal of all funds arising from the sale or other disposition of lands or other property, which has been or may hereafter be granted or entrusted to this state or given by the United States for educational purposes shall be preserved inviolate and undiminished; and the income arising therefrom shall be faithfully applied to the specific object of the original grants or appropriations.

Section 157. All lands or other property given by individuals, or appropriated by the state for educational purposes, and all estates of deceased persons which shall have escheated to the state shall be used or applied to the furtherance of education.

Section 158. The income arising from the sixteenth section trust fund, the surplus revenue fund, until it is called for by the United States government, and the funds enumerated in sections 156 and 157 of this Constitution together with a special annual tax of thirty cents on each one hundred dollars of taxable property in this state, which the legislature shall levy, shall be applied to the support and furtherance of education, and it shall be the duty of the legislature to increase the public school fund from time to

time as the necessity therefor and the condition of the treasury and the resources of the state may justify; provided, that nothing herein contained shall be so construed as to authorize the legislature to levy in any one year a greater rate of state taxation for all purposes, including schools, than sixty-five cents on each one hundred dollars worth of taxable property; and provided further, that nothing herein contained shall prevent the legislature from first providing for the payment of the bonded indebtedness of the state and interest thereon out of all the revenue of the state.

Except as they may be specifically set aside in trust funds or otherwise applied to the payment of indebtedness, all proceeds of income or other taxes levied by the state and of all special ad valorem or other taxes levied by counties and municipalities, or school districts, pursuant to the Constitution for public school purposes, shall be applied to the support and furtherance of education pursuant to section 153 of this Constitution.

Section 159. No money raised for the support of the public schools shall be appropriated to or used for the support of any sectarian or denominational school.

Section 160. (a) The several counties in this state shall have power to levy and collect a special tax not exceeding ninety cents on each one hundred dollars of taxable property in such counties, or as otherwise constitutionally authorized prior to the adoption of this Constitution, for the support and furtherance of education in such manner as may be authorized by the legislature; provided, that the rate of such tax, the time it is to continue, and the purpose thereof, shall have been first submitted to a vote of the qualified electors of the county, and voted for by a majority of those voting at such election; and (b) the several school districts of any county in the state shall have power to levy and collect a special district tax not exceeding sixty cents on each one hundred dollars worth of taxable property in such district, or as otherwise constitutionally authorized prior to the adoption of this Constitution, for public school purposes; provided, that a school district under the meaning of this section shall include incorporated cities or towns, or any school district of which an incorporated city or town is a part, or such other school districts now existing or hereafter formed as may be approved by the county board of education; provided further, that the rate of such tax, the time it is to continue and the purpose thereof shall have been first submitted to the vote of the qualified electors of the district and voted for by a majority of those voting at such election.

Section 161. The state university shall be under the management and control of a board of trustees, which shall consist of two members from each congressional district in the state, an additional member from the congressional district which includes the site of the first campus of the university, the superintendent of education, and the governor, who shall be ex officio president of the board. The members of the board of trustees shall hold office until their respective terms expire, and until their successors shall be elected and confirmed as hereinafter required. Trustees shall hold office for a term of six years, and shall not serve more than three consecutive full six-year terms on the board; provided however that a trustee shall retire from the board and vacate office at the annual meeting of the board following that trustee's seventieth birthday. Election of successor trustees or trustees to fill any vacancy created by the expiration of a term or by the death or resignation of any member or from any other cause shall be by the remaining members of the board by secret ballot; provided, that any trustee so elected shall hold office from the date of election until confirmation or rejection by the senate, and, if confirmed, until the expiration of the term for

which elected, and until a successor is elected. At every meeting of the legislature the superintendent of education shall certify to the senate the names of all who shall have been so elected since the last session of the legislature, and the senate shall confirm or reject them, as it shall determine is for the best interest of the university. If it rejects the names of any members, it shall thereupon elect trustees in the stead of those rejected. No trustee shall receive any pay or emolument other than his actual expenses incurred in the discharge of his duties as such. Upon the vacation of office by a trustee, the board, if it desires, may bestow upon a trustee the honorary title of trustee emeritus, but such status shall confer no responsibilities, duties, rights, or privileges as such.

Section 162. Auburn University shall be under the management and control of a board of trustees. The board of trustees shall consist of two members from the congressional district in which the institution is located, one from each of the other congressional districts in the state as the same were constituted on the first day of January 1961, the state superintendent of education, and the governor, who shall be ex officio president of the board. The trustees shall be appointed by the governor, by and with the advice and consent of the senate, and shall hold office for a term of twelve years, and until their successors shall be appointed and qualified. The board shall be divided into three classes, as nearly equal as may be, so that one-third may be chosen quadrennially. Vacancies occurring in the office of trustees from death or resignation shall be filled by the governor, and such appointee shall hold office until the next meeting of the legislature. The members of the board of trustees as now constituted shall hold office until their respective terms expire under existing law, and until their successors shall be appointed as herein required. No trustee shall receive any pay or emolument other than his actual expenses incurred in the discharge of his duties as such. No employee of Auburn University shall be eligible to serve on its board of trustees.

ARTICLE XI.

Local Government.

Section 163. The boundaries of the several counties of this state, as they now exist, are hereby ratified and confirmed.

Section 164. The legislature may, by a vote of two-thirds of each house thereof, arrange and designate boundaries for the several counties of this state, which boundaries shall not be altered, except by a like vote; but no new county shall be formed hereafter of less extent than six hundred square miles, and no existing county shall be reduced to less than six hundred square miles; and no new county shall be formed unless it shall contain a sufficient number of inhabitants to entitle it to one representative under the ratio of representation existing at the time of its formation, and leave the county or counties from which it is taken with the required number of inhabitants to entitle such county or counties, each, to separate representation.

Section 165. No county line shall be altered or changed, or in the event of the creation of new counties shall be established, so as to run within seven miles of the county courthouse of any old county.

Section 166. No courthouse or county site shall be removed except by a majority vote of the qualified electors of said county, voting at an election held for such purpose, and when an election has once been held no other election shall be held for such purpose until the expiration of four years.

Section 167. The legislature shall provide by general law an optional plan or optional plans of local government for counties delegating such legislative authority to such governing bodies as the legislature deems desirable not inconsistent with the provisions of this constitution. A county may adopt or rescind such an optional plan of local government by referendum initiated by resolution of the governing body or by petition of the electorate in such county in accordance with such conditions and procedures as the legislature shall provide by general law. A county which does not elect to be governed by such an optional plan, or which rescinds such plan, shall continue to be governed according to the general or local laws which are, or may thereafter be, applicable to such county.

Section 168. The legislature shall also provide by general law optional plans of government for municipalities.

Section 169. The legislature shall provide by general law for the incorporation, government, merger and change of boundaries of cities and towns, and for the annexation of unincorporated territory to incorporated cities and towns, which are referred to as municipalities in this article, except that municipal boundaries may be altered or rearranged by local law.

Section 170. No person, firm, association, or corporation shall be authorized or permitted to use the streets, avenues, alleys or public places of any municipality for the construction or operation of any public utility or private enterprise, without first obtaining the consent of the proper authorities of the municipality.

Section 171. No franchise or license shall hereafter be granted by a municipality for a period longer than forty years.

Section 172. The legislature shall not enact any law which will permit any person, firm, corporation, or association to pay a privilege, license, or other tax to the State of Alabama, and relieve him or it from the payment of all other privilege and license taxes in the state.

Section 173. Municipal and other corporations and individuals invested with the privilege of taking property for public use, shall make just compensation to be ascertained as may be provided by law, for the property taken, injured, or destroyed by the construction or enlargement of its works, highways, or improvements, which compensation shall be paid before such taking, injury, or destruction. The legislature is hereby prohibited from denying the right of appeal from any preliminary assessment of damages against any such corporations or individuals made by viewers or otherwise, but such appeal shall not deprive those who have obtained the judgment of condemnation from a right of entry, provided the amount of damages assessed shall have been paid into court in money, and a bond shall have been given in not less than the amount of the damages assessed, with good and sufficient sureties, to pay such damages as the property owner may sustain; and the amount of damages in all cases of appeals shall on demand of either party, be determined by a jury according to law.

Section 174. In the event of conflict between a municipal or county ordinance and a state law, the state law shall prevail.

ARTICLE XII.

Taxation and Debt Limitation.

Section 175. Neither the state of Alabama nor any political subdivision of the state shall have, or be granted by the legislature, the power to

lend its credit, or to grant public money or thing of value in aid of or to any individual, private association, or private corporation whatsoever except for public purposes as authorized by law and unless approved by a majority of the qualified electors of the state or the affected political subdivision voting on such issue; nor shall the state or any political subdivision thereof be interested in any private or corporate enterprise; provided that nothing herein shall prohibit the legislature from (1) authorizing the investment of public trust funds and, in particular, those funds managed and administered by the state retirement systems and its officers, but excepting the special educational trust fund, or (2) authorizing the investment of other public funds in obligations of, or insured by, the United States government or any of its agencies or instrumentalities or in any fully insured or secured interest bearing time deposits whether or not evidenced by certificates of deposit. Except as herein permitted the state shall not be engaged in the business of banking nor be a stockholder in any bank nor shall the credit of the state be given or loaned to any banking company, association, or corporation. Nothing contained in this section shall prohibit the legislature from authorizing the expenditure of special assessments, fees or other charges collected from the producers of agricultural, dairy, poultry, or livestock products for the general promotion of these industries nor shall any provision of this Constitution prohibit the delegation by the legislature of powers to collect fees or charges for use in the promotion of such industries.

Section 176. The power to levy taxes shall not be delegated to individuals or private corporations or associations.

Section 177. A state tax may be levied on net income and shall not exceed the rate of five per cent. The revenue from this tax shall be used: (1) to replace the revenue lost to the several funds of the state by reason of the exemption of homesteads from the state ad valorem tax, and (2) the residue shall be placed in the state treasury to the credit of the Alabama Special Educational Trust Fund to be used only for the payment of public school teachers' salaries.

Section 178. A resident individual or a corporation organized under the law of this state shall be allowed to deduct from gross income the amount of federal income tax paid or accrued within the taxable year. A nonresident individual or foreign corporation shall be allowed to deduct only that amount of federal income tax paid or accrued in the taxable year on income received from sources within the state, to be determined in accordance with such laws as the legislature may enact.

Section 179. Except as prohibited by this Constitution, the legislature, in enacting laws taxing income, may define income by reference to provisions of the laws of the United States as they then exist or may prospectively be enacted, with such modification as may be prescribed by the law of this state.

Section 180. The legislature may provide for the assessment, levy and collection of a tax upon inheritances and for the levying of estate taxes.

Section 181. No moneys derived from any fees, excises, or license taxes, levied by the state, relating to registration, operation, or use of vehicles upon the public highways except a vehicle-use tax imposed in lieu of a sales tax and except for any extra fee charged for personalized license plates, and no moneys derived from any fee, excises, or license taxes, levied by the state, relating to fuels use for propelling such vehicles except pump taxes, shall be expended for other than the cost of administering such laws, statutory refunds and adjustments allowed therein, the cost of construction,

reconstruction, maintenance and repair of public highways and bridges, the costs of highway rights-of-way, payment of highway obligations, the cost of traffic regulation, and the expense of enforcing state traffic and motor vehicle laws. The provisions of this section shall not apply to any such fees, excises, or license taxes now levied by the state for school purposes for this whole state or for any county or city board of education therein.

Section 182. There shall be a fund in the state treasury which shall be known as the fish and wildlife fund and which shall consist of all moneys received from the sale of hunting and fishing licenses, from fines, forfeitures, and any other fee received pursuant to the fish and wildlife laws of this state or rules and regulations promulgated thereunder, all moneys derived from the sale of lands, timber or other natural resources owned by the game and fish division of the Department of Conservation, all moneys received from grants, voluntary contributions and interest on lifetime licenses, and all moneys accruing to the fish and wildlife fund from any other source. No funds accruing to the fish and wildlife fund shall be expended for any purpose other than the payment of administrative costs of the fish and wildlife activities of the Department of Conservation and for the protection, propagation, preservation or investigation of fish and wildlife or for the public use of the fish and wildlife resources of this state.

Section 183. State ad valorem taxes shall not be levied in excess of six and one-half mills on the assessed value of property in any one taxable year.

Section 184. (a) All taxable property within this state, not exempt by law, shall be divided into the following classes for the purposes of ad valorem taxation:

Class I. All property of utilities used in the business of such utilities.

Class II. All property not otherwise classified.

Class III. All agricultural, forest and single-family owner-occupied residential property, and historic buildings and sites.

Class IV. All private passenger automobiles and motor trucks of the type commonly known as "pickups" or "pickup trucks" owned and operated by an individual for personal or private use and not for hire, rent or compensation.

(b) With respect to ad valorem taxes levied by the state, all taxable property shall be forever taxed at the same rate. Such property shall be assessed for ad valorem tax purposes according to the classes thereof as herein defined at the following ratios of assessed value to the fair and reasonable market value (except as otherwise provided in subsection (j) hereof) of such property:

Class I. 30 per centum.

Class II. 20 per centum.

Class III. 10 per centum.

Class IV. 15 per centum.

(c) With respect to ad valorem taxes levied by counties, municipalities or other taxing authorities, all taxable property shall be forever taxed at the same rate. Such property shall be assessed for ad valorem tax purposes according to the classes of property defined in subsection (a) hereof and at the same ratios of assessed value to the fair and reasonable market value thereof as fixed in subsection (b) hereof, except as otherwise provided in

subsection (j) hereof and this subsection (such ratios being herein called "assessment ratios"). The governing body of any county, municipality or other taxing authority may, subject to criteria established by act of the legislature, at any time increase or decrease the assessment ratio applicable to any class of taxable property; provided, that any proposed adjustment to an assessment ratio to be made pursuant to this sentence, whether an increase or decrease, shall have been (1) proposed by the governing body of the taxing authority after a public hearing on such proposal, (2) authorized by an act of the legislature, and (3) subsequently approved by a majority vote of the qualified electors residing in the taxing authority who vote on the proposal at a special election called and held in accordance with the law governing special elections. The legislature shall enact general laws applicable to all counties, municipalities and other taxing authorities regulating and establishing criteria for the exercise of the powers granted such taxing authorities to adjust assessment ratios as hereinabove provided. Such assessment ratios as herein authorized may vary among taxing authorities so long as each such assessment ratio is uniform within a taxing authority. Any decrease in any assessment ratio pursuant to this subsection shall not jeopardize the payment of any bonded indebtedness secured by any tax levied by the taxing authority decreasing the assessment ratio. Any action authorized by this subsection to be taken by a taxing authority, or the governing body thereof, shall, other than in the case of a municipality, be taken by resolution of the governing body of the county in which such taxing authority is located acting on behalf of such taxing authority.

(d) With respect to ad valorem taxes levied by the state or by any county, municipality or other taxing authority, no class of taxable property shall have an assessment ratio of less than 5 per centum nor more than 35 per centum.

(e) A county, municipality, or other taxing authority may decrease any ad valorem tax rate at any time, provide such decrease shall not jeopardize the payment of any bonded indebtedness secured by such tax.

(f) No county, municipality or other taxing authority may levy ad valorem taxes in addition to those authorized to be levied on the effective date of this Constitution or increase the rate of ad valorem taxation above that authorized on such date. Any county, municipality, or other taxing authority may at any time increase the rate at which any ad valorem tax is levied above the limit provided by law on the effective date of this Constitution or otherwise permitted by this Constitution; provided, that the proposed increase to be made pursuant to this subsection shall have been (1) proposed by the governing body of the taxing authority after a public hearing on such proposal, (2) authorized by an act of the legislature, and (3) subsequently approved by a majority of the qualified electors residing in the taxing authority who vote on the proposal at a special election called and held in accordance with the law governing special elections. Any adjustments or other actions authorized to be made or taken pursuant to this subsection and subsection (e) hereof shall be made or taken by resolution of the governing body of such taxing authority, or if there is no such governing body and in the case of a taxing authority other than a municipality, by resolution of the governing body of the county in which such taxing authority is located acting on behalf of such taxing authority. The provisions of subsections (c), (e) and (f) of this section shall not apply to ad valorem taxes levied by the state; provided, however, that the legislature shall not have the power to levy ad valorem taxes for the benefit of any county, municipality or other taxing authority nor shall the legislature have the power to increase the rate of any ad valorem tax levied by a county, municipality

or other taxing authority, except in conjunction with the procedure set forth in clauses (1), (2) and (3) of this subsection (f).

(g) The legislature is authorized to enact legislation to implement the provisions of this section and may provide for exemptions from taxation; provided, that unless otherwise expressly provided, no amendment to this section shall be construed to repeal any statutory exemption existing on the effective date of any such amendment hereto.

(h) Wherever any constitutional provision or statute provides for, limits or measures the power or authority of any county, municipality or other taxing authority to levy taxes, borrow money, or incur indebtedness in relation to the assessment of property therein for state taxes or for state and county taxes, such provisions shall mean as assessed for county or municipal taxes, as the case may be.

(i) Except as otherwise provided in this Constitution, or authorized prior to the adoption of this Constitution the amount of ad valorem taxes payable to the state and to all counties, municipalities and other taxing authorities with respect to any item of taxable property described as Class I property shall never exceed 2% of the fair and reasonable market value of such taxable property in any one ad valorem tax year, such amount with respect to any item of Class II property shall never exceed 1½% of the fair and reasonable market value of such taxable property in any one ad valorem tax year, such amount with respect to any item of Class IV property shall never exceed 1¼% of the fair and reasonable market value of such taxable property in any one ad valorem tax year, and such amount with respect to any item of Class III property shall never exceed 1% of the fair and reasonable market value of such taxable property in any one ad valorem tax year. Whenever the total amount of ad valorem property taxes otherwise payable by any taxpayer with respect to any item of taxable property shall exceed in any one ad valorem tax year the maximum amount of such taxes permitted by this section, such amount of taxes shall be reduced by subtracting that amount of tax due that is in excess of the amount of tax otherwise permissible under the Constitution. In connection with the taxation of any item of taxable property, the amount of tax to be subtracted with respect to each authority levying and collecting any ad valorem property tax shall be in the same proportion to the total amount of tax to be subtracted that the total number of mills on each dollar of taxable property situated in the taxing authority levied by such taxing authority bears to the total number of mills on each dollar of taxable property situated in the taxing authority levied by all taxing authorities with respect to such item of taxable property. Before sending to any taxpayer any notice relating to the collection of ad valorem taxes, the tax collector in each county shall determine whether any portion of the amount of ad valorem property tax otherwise due with respect to any item of taxable property shall be subtracted pursuant to the provisions of this subsection and shall apportion the amount to be subtracted in accordance with the provisions of this subsection.

(j) Notwithstanding any other provision of this section, taxable property defined in subsection (a) hereof as Class III property shall, upon application by the owner of such property, be assessed at the ratio of assessed value to the current use value of such taxable property and not the fair and reasonable market value of such property. The legislature may enact laws uniformly applicable to the state and all counties, municipalities and other taxing authorities establishing criteria and procedures for the determination of the current use value of any eligible taxable property and procedures for

qualifying such property for assessment at its current use value. The legislature may enact laws uniformly applicable to the state and all counties, municipalities and other taxing authorities providing for the ad valorem taxation of any taxable property ceasing to qualify for current use valuation; provided, however, that any additional tax on taxable property ceasing to qualify for current use valuation shall not apply to more than the three ad valorem tax years immediately preceding such cessation of qualification (including as one such year the year in which cessation of qualification occurs).

(k) The following property shall be exempt from all ad valorem taxation: the real and personal property of the state, counties, and municipalities and property devoted exclusively to religious, educational, cemetery, or charitable purposes, household and kitchen furniture, all farm tractors, all farming implements when used exclusively in connection with agricultural property and all stocks of goods, wares and merchandise.

Section 185. No debt shall be created against, or incurred by, the state, nor shall any bonds, warrants, notes or other securities payable in whole or in part from state taxes, licenses or appropriations be issued, except pursuant to an act passed by a vote of three-fifths of the members elected to each house of the legislature and approval by a majority of the electors of the state voting on the question.

The following shall not constitute a debt of the state within the meaning of this section:

(1) Bonds or other securities issued by any state university, college or other institution of higher learning, or by the state board of education or other such governing board on behalf of any of the foregoing, if by their terms such bonds or other securities are not made a charge on the general credit or any of the tax revenues of the state or any monies appropriated to such institution by the state, but are made payable solely out of tuition, fees or other revenues (from whatever source) referable to the operation of such institution;

(2) Bonds or other securities issued by or on behalf of the state or any of its instrumentalities if by their terms they do not constitute a charge on the general credit or tax revenues of the state, but are payable solely from the revenues from specified facilities (whether or not such facilities were in existence or owned by or on behalf of the state at the time such bonds or securities were issued) or from sources other than state taxes, licenses or appropriations;

(3) Bonds or other securities at anytime issued by the Alabama highway authority, Alabama public school and college authority, Alabama highway finance corporation, Alabama federal aid highway finance authority and any other public corporation or authority heretofore or hereafter created at the state level and which are payable solely from, and secured by a continuing appropriation and pledge of, any proceeds of any excise, privilege, license, income, ad valorem or other tax or taxes levied or imposed by the state, (i) even though the tax or taxes out of which such bonds or other securities are payable consist wholly or in part of tax proceeds that may at anytime have been or in the absence of such pledge would be available to the general fund of the state, and (ii) even though the taxes pledged to payment of such bonds or other securities may have been originally levied for purposes other than that for which such bonds or other securities are to be issued; any statute authorizing the issuance of bonds or other securities by a public corporation within to the provisions of this paragraph shall require for its passage a vote of three-fifths of the members elected to each house of

the legislature.

It shall be unlawful for the comptroller of the state of Alabama to draw any warrant or other order for the payment of money belonging to, or administered by, the state of Alabama upon the state treasurer, unless there is in the hand of such treasurer money appropriated and available for the full payment of the same. In case there is, at the end of any fiscal year, insufficient money in the state treasury for the payment of all proper claims presented to the state comptroller for the issuance of warrants, the comptroller shall issue warrants for that proportion of each such claim which the money available for the payment of all said claims bears to the whole, and such warrants for such prorated sums shall thereupon be paid by the state treasurer, provided, however, that the legislature may exempt the payment of the bonded indebtedness of the state and the interest thereon from such proportionate reduction. At the end of each fiscal year all unpaid appropriations which exceed the amount of money in the state treasury subject to the payment of the same after the proration above provided for, shall thereupon become null and void to the extent of such excess. Any person violating any of the provisions of this section shall, on conviction, be punished by a fine of not exceeding five thousand dollars, or by imprisonment in the penitentiary for not more than two years, one or both, at the discretion of the jury trying the same, and the violation of any provisions of this section shall also be ground for impeachment.

Section 186. No county or municipality shall incur indebtedness in an amount which, when added to then existing indebtedness (including that incurred prior to the effective date of this section) exceeds the following percentages of the assessed value of the property assessed for taxation by such county or municipality for the preceding tax year: (1) 10 per cent in the case of a county; and (2) 35 per cent in the case of a municipality. The preceding debt limitation shall not apply to the following obligations:

(a) Obligations for current operating expenses in any fiscal year that mature not later than the last day of such fiscal year, made in anticipation of the collection of taxes, not exceeding 25 per cent of the general revenues received in the preceding fiscal year which were available for such purposes; provided that if such obligations are not paid and retired by the end of the fiscal year in which incurred, they shall thereupon be considered to constitute indebtedness subject to the above limitation;

(b) Obligations to provide funds to pay for public improvements, the cost of which is to be assessed, in whole or in part, against the property abutting on or drained, served or benefitted by such improvements;

(c) Obligations that by their terms do not constitute a charge on the general credit or tax revenues of the obligor, but are payable solely from distribution of taxes or other revenues by the state to such obligor;

(d) Obligations of a county that by their terms do not constitute a charge on the general credit or tax revenues of the county and obligations of a public corporation designated by the county to acquire, construct, equip, operate and maintain public hospital facilities; provided that such county or corporate obligations are payable solely from taxes now or hereafter levied for hospital or other health purposes or from hospital revenues or both;

(e) Obligations that by their terms do not constitute a charge on the general credit or tax revenues of the obligor, but are payable solely from revenues from specified facilities (whether or not such facilities were in existence or owned by the obligor at the time such indebtedness was incurred)

or from sources other than tax or license proceeds;

(f) Obligations of any public corporation, notwithstanding the fact that property, whether or not capable of producing income, may have been transferred to such public corporation by any county or municipality with or without consideration;

(g) Obligations of any county or municipal board of education;

(h) Obligations consisting of principal of or accrued interest on indebtedness to the extent that one or more sinking funds or trust funds shall be established for the payment of such principal or interest, provided that any such sinking fund or trust fund shall comply with the following conditions:

(1) any such sinking fund or trust fund shall consist of (i) cash, (ii) federal securities, (iii), demand or time deposits with banks (whether or not evidenced by certificates of deposit) that are insured by an agency of the United States of America or, to the extent not so insured, are secured by collateral consisting of federal securities and having a market value (exclusive of accrued interest) not less than the amount of such deposits not so insured, or (iv) any combination of cash, federal securities or bank deposits, it being provided that, for purposes of this subsection (h), federal securities shall mean direct obligations of the United States of America or obligations unconditionally guaranteed by the United States of America as to the payment of both principal and interest; and

(2) the principal and interest maturing with respect to any federal securities or time deposits held in any such sinking fund or trust fund, together with the amount of any cash or demand deposits held therein, will provide moneys sufficient to pay any principal or accrued interest excluded from the debt limit pursuant to this subsection (h) on or before the respective maturities or due dates of such principal and interest;

provided further that the legislature may by general law provide additional or different conditions under which the establishment of sinking funds or trust funds for the payment of the principal of and accrued interest on obligations of counties and municipalities shall cause the debt limitation of this section to be inapplicable to such principal and interest;

(i) Obligations incurred prior to the effective date of this section that were not, at the time incurred, chargeable to the limitations on indebtedness prescribed by Section 224 or 225 of the Constitution of 1901, as amended; and

(j) Obligations incurred by any municipality for the purpose of acquiring, providing or constructing school houses;

(k) Obligations authorized as to purpose, principal amount and final maturity (1) by action of the governing body of any county or municipality after a public hearing on the proposal, (2) thereafter approved by an act of the legislature and (3) subsequently approved by a majority of the electors of such county or municipality, as the case may be, who vote on the proposal.

Section 187. The legislature shall have authority to pass general laws authorizing the counties, municipalities, districts or other political subdivisions of counties to issue bonds, but no bonds shall be issued under authority of a general law unless such issue of bonds be first authorized by a majority vote by ballot of the qualified voters of such county, municipality, district, or other political subdivision of a county, voting upon such proposition. The ballot used at such election shall contain the words: "For . . .

bond issue," and "Against . . . bond issue" (the character of the bond to be shown in the blank space), and the voter shall indicate his choice by placing a cross mark before or after the one or the other. This section shall not apply to the renewal, refunding, or reissue of bonds lawfully issued, nor shall this section apply to obligations incurred or bonds to be issued to procure means to pay for street and sidewalk improvements or sanitary or storm water sewers, the cost of which is to be assessed, in whole or in part, against the property abutting said improvements or drained by such sanitary or storm water sewers.

ARTICLE XIII.

Militia.

Section 188. The legislature shall have power to declare who shall constitute the militia of the state, and to provide for organizing, arming and disciplining the same; and the legislature may provide for the organization of a state and naval militia.

Section 189. The legislature, in providing for the organization, equipment, and discipline of the state military forces, shall conform as nearly as practicable to the regulations of the department of defense of the United States, and the laws of the United States, governing the armed forces of the United States. All affairs pertaining to the state military forces shall be administered by a state military department, which shall be headed by the adjutant general, and who shall be responsible to the governor as commander-in-chief.

Section 190. Officers of the state military forces, including the adjutant general, shall be appointed, and shall be subject to suspension, discharge, removal, or compulsory retirement as such, solely on the basis of military proficiency, character and service, as determined by department of defense regulations and military usages sanctioned by the military laws of the United States, anything in this Constitution to the contrary notwithstanding. The qualifications of personnel of the federally recognized national guard shall be as prescribed in pertinent regulations and policies of the United States department of defense.

Section 191. The governor shall, with the advice and consent of the senate, appoint the adjutant general and all general officers. The governor shall appoint his own staff, as may be provided by law.

Section 192. The legislature shall provide for the safe keeping of the arms, ammunition, and accoutrements, and military records, banners, and relics of the state.

Section 193. The officers and men of the militia shall not be entitled to receive any pay, rations, or emoluments when not in active service.

ARTICLE XIV.

Public Officers.

Section 194. All members of the legislature, and all officers, executive and judicial, before they enter upon the execution of the duties of their respective offices, shall take the following oath or affirmation:

"I _____, solemnly swear (or affirm, as the case may be) that I will support the Constitution of the United States, and the Constitution of the State of Alabama, so long as I continue a citizen thereof; and that I will faithfully and honestly discharge the duties of the office upon

which I am about to enter, to the best of my ability. So help me God."

The oath may be administered by the presiding officer of either house of the legislature, or by any officer authorized by law to administer an oath.

Section 195. No person holding an office of profit under the United States shall, during his continuance in such office, hold any office of profit under this state; nor shall any person, except a notary public, hold two offices of profit at one and the same time under this state.

Section 196. The salary, fees, or compensation of any officer holding any civil office of profit under this state or any county or municipality thereof, shall not be increased or diminished during the term for which he shall have been elected or appointed. Neither the legislature, nor any county of the state shall, by the imposition of new, different, and additional duties or otherwise, increase, or authorize the increase of, the salary, fees or other compensation of any officer of the state or of any county of the state, who is elected or appointed for a fixed term, during the term for which he is elected or appointed, regardless of whether such officer may be removed at the pleasure of the authority electing or appointing him or only upon impeachment; nor shall the legislature or any county of the state in any manner or by any means decrease, or authorize the decrease of, the salary, fees or other compensation of any such officer, during the term for which he is elected or appointed; nor shall the legislature or any county of the state increase or decrease, or authorize the increase or decrease of, the salary, fees or other compensation of any person filling an unexpired term in any such office during the remainder of such term, either before or after the appointment or election of such person to fill the unexpired term. As to officers who are members of any court, board, commission, or similar body whose terms do not run concurrently, any increase or decrease in the salary, fees, or other compensation of the members of any such court, board, commission, or similar body shall become effective as to all such members thereof immediately after the expiration of the term or terms of office of the member or members whose term or terms first expire.

Section 197. The legislature may, by general or local law, change the method or basis of compensating any officer of a county including the judge or probate, sheriff, tax assessor, and tax collector, and may place such officers on a salary. In the event that a county officer is placed on a salary, all fees, allowances, and commissions collected by him shall be paid into the county treasury. No law shall be effective to change the method of compensating any county officer during the term for which he shall have been elected or appointed. The legislature may by local act provide for the abolishment, combination or other alteration of the offices of tax assessor, tax collector or license commissioner with approval of a majority of voters in the county affected.

Section 198. No person convicted of a felony involving moral turpitude whose civil and political rights have not been restored shall be eligible to hold any office of trust or profit in this state.

Section 199. Appointments and promotions in the civil service of this state shall be made according to merit, fitness and efficiency, to be determined, so far as practicable, by examination, which, so far as practicable, shall be competitive under such laws as the legislature may enact. It shall be the duty of the legislature to maintain laws necessary to implement, and to provide adequate financial support for, a program of personnel management in the state service.

ARTICLE XV.

Application and Implementation.

Section 200. It is made the duty of the legislature to enact all laws necessary to give effect to the provisions of this Constitution.

Section 201. Legislative acts in violation of this Constitution or the Constitution of the United States are void and the judiciary shall so declare them.

Section 202. This Constitution and every provision hereof is adopted for the protection of the citizens of this state and any such citizen may invoke its provisions in the courts of this state.

ARTICLE XVI.

Mode of Amending the Constitution.

Section 203. Amendments to this Constitution or a new Constitution may be proposed by the Legislature or by a constitutional convention as provided in this article. Only amendments which are of general and uniform applicability throughout the state shall be proposed, passed, or submitted to the people.

Section 204. Amendments may be proposed to this Constitution by the legislature in the manner following: The proposed amendments shall be read in the house in which they originate on three several days, and, if upon the third reading three-fifths of all the members elected to that house shall vote in favor thereof, the proposed amendments shall be sent to the other house, in which they shall likewise be read on three several days, and if upon the third reading three-fifths of all of the members elected to that house shall vote in favor of the proposed amendments, the legislature shall order an election by the qualified electors of the state upon such proposed amendments. Proposed amendments shall be submitted to the electors of the state at the next general election following the notice required by this section, provided, that the legislature may, by separate act adopted by it in the manner required for proposing an amendment, call a special election for submission of an amendment. The act must declare that an emergency exists necessitating the submission prior to the next general election, and shall not be effective unless approved by the governor within seven days after it has been submitted to him. If a special election on a proposed amendment is called, other amendments may be submitted at the same election. Notice of such election, together with the proposed amendments, shall be given by proclamation of the governor, which shall be published in every county in such manner as the legislature shall direct, for at least four successive weeks next preceding the day appointed for such election. On the day so appointed an election shall be held for the vote of the qualified electors of the state upon the proposed amendments. If such election be held on the day of the general election, the officers of such general election shall open a poll for the vote of the qualified electors upon the proposed amendments; if it be held on a day other than that of the general election, officers for such election shall be appointed; and the election shall be held in all things in accordance with the law governing general elections. In all elections upon such proposed amendments, the votes cast thereat shall be canvassed, tabulated and returns thereof be made to the secretary of state, and counted, in the same manner as in elections for representatives in the legislature; and if it shall thereupon appear that a majority of the qualified electors who voted at such election upon the proposed amendments voted in favor of the same, such amendments shall be valid to all intents and purposes as parts of this

Constitution. The result of such election shall be made known by proclamation of the governor.

Section 205. Upon the ballots used at all elections provided for in section 204 of this Constitution the substance or subject matter of each proposed amendment shall be so printed that the nature thereof shall be clearly indicated. Following each proposed amendment on the ballot shall be printed the word "Yes" and immediately under that shall be printed the word "No." The choice of the elector shall be indicated by a cross mark made by him or under his direction, opposite the word expressing his desire.

Section 206. No convention shall hereafter be held for the purpose of altering or amending the Constitution of this state, unless after the legislature by a vote of a majority of all the members elected to each house has passed an act or resolution calling a convention for such purpose the question of convention or no convention shall be first submitted to a vote of all the qualified electors of the state, and approved by a majority of those voting at such election. No act or resolution of the legislature calling a convention for the purpose of altering or amending the Constitution of this state, shall be repealed except upon the vote of a majority of all the members elected to each house at the same session at which such act or resolution was passed; provided, nothing herein contained shall be construed as restricting the jurisdiction and power of the convention, when duly assembled in pursuance of this section, to establish such ordinances and to do and perform such things as to the convention may seem necessary or proper for the purpose of altering, revising, or amending the existing Constitution.

Section 207. All votes of the legislature upon proposed amendments to this Constitution, and upon bills or resolution calling a convention for the purpose of altering or amending the Constitution of this state, shall be taken by yeas and nays and entered on the journals. No act or resolution of the legislature passed in accordance with the provisions of this article, proposing amendments to this Constitution, or calling a convention for the purpose of altering or amending the Constitution of this state, shall be submitted for the approval of the governor, but shall be valid without his approval.

ARTICLE XVII.

Continuation and Transition.

Section 208. The Constitution of 1901, as amended, shall have no force or effect after the adoption of this Constitution, except as provided elsewhere in this Constitution.

Section 209. All laws in effect when this Constitution is adopted which were valid under the provisions of the Constitution of 1901 and which are not inconsistent with the provisions of this Constitution shall continue in effect until they are amended, repealed or expire by their own limitation.

Section 210. Amendments to the Constitution of 1901 which are not incorporated in the provisions of this Constitution and which are not inconsistent with the provisions of this Constitution shall continue in effect as general or local laws as defined by this Constitution until amended or repealed; provided that any such statute shall not be amended or repealed except by an act of the legislature and approved by a vote of the electors in this State or in the county, municipality or other political subdivision to which the statute applies; provided further, in particular, that amendments 3, 202, and 382, have been incorporated in substance into section 160 of this constitution and shall not be separately continued as statutes under this provision.

Section 211. All rights, claims, demands, contracts, titles, proceedings, actions, causes of action, suits, prosecutions, judgments, sentences, orders, decrees, and appeals in existence when this Constitution is adopted that are not inconsistent with the provisions of this Constitution shall continue in effect after the adoption of this Constitution. All indictments for crimes or offenses committed before the adoption of this Constitution shall be proceeded upon pursuant to the provisions of the Constitution of 1901, as amended, as if this Constitution had not been adopted.

Section 212. All bonds or obligations that were validly issued or incurred by the State or any public corporation pursuant to the provisions of the Constitution of 1901, as amended, shall continue in effect after the adoption of this Constitution. Nothing in this constitution shall be construed to affect the validity of any general obligation indebtedness incurred by any county, city or town prior to the effective date of this section, and all such indebtedness is hereby validated and confirmed except in cases where (1) such indebtedness exceeded, at the time it was incurred, any limitation on indebtedness at that time imposed by the Constitution of Alabama of 1901, as amended, or (2) the validity of such indebtedness is or was adversely adjudicated in any judicial proceeding commenced prior to the effective date of this section.

Section 213. All taxes validly authorized pursuant to the provisions of the Constitution of 1901, as amended, the authorization of which is in effect when this Constitution is adopted, shall continue to be authorized and shall continue in effect after the adoption of this Constitution until altered, repealed or otherwise terminated by law.

Section 214. The officers of the state and all political subdivisions of the state holding office when this Constitution is adopted shall continue in the exercise of their functions and duties under the provisions of this Constitution and the laws of this state applicable to such officers, provided specifically that no provision of this Constitution shall lengthen or shorten the term of any person holding office when this Constitution is adopted.

Section 215. The Alabama Heritage Trust Fund created by Amendment No. 394 to the Constitution of 1901 shall continue in effect as provided for in that amendment after the adoption of this Constitution as if this Constitution had never been adopted except that such trust funds may be invested as permitted of other trust funds by Section 175 of this Constitution.

Section 216. Any statute that was otherwise valid and constitutional that was enacted before January 13, 1978, by the legislature of this state and was a general act of local application on a population basis, that applied only to a certain county or counties or a municipality or municipalities of this state, shall not be declared invalid or unconstitutional by any court of this state because it was not properly advertised in compliance with section 88 of this Constitution. All such population based acts shall forever apply only to the county or counties or municipality or municipalities to which they applied on January 13, 1978, and no other, despite changes in population. The population based acts referred to above shall only be amended by acts which are properly advertised and passed by the legislature in accordance with the provisions of this Constitution.

Section 217. All special incomes and powers of taxation as are authorized by law at the time of the adoption of this constitution for the benefit of public schools in Mobile county shall continue to be authorized and shall continue in effect after the adoption of this constitution until otherwise pro-

vided by the legislature, and the adoption of this constitution shall not alter or disturb the existing right of the board of school commissioners of Mobile county to manage and control the 16th section lands in that county or to derive income from those lands.

Section 218. No county or municipality authorized by any amendment to the Constitution of 1901 to incur obligations, payable in whole or in part from taxes, for industrial or commercial development shall incur obligations under such authority later than two years after the adoption of this constitution.

Section 219. Any municipality in the State of Alabama which, pursuant to any of the provisions of Section 216 of the Constitution of 1901 or Amendments Nos. 8, 17 and 240 to the Constitution of 1901, was authorized to levy and collect a tax on property situated within its municipal boundaries for the exclusive purpose of paying its bonds or other indebtedness and the interest thereon, whether such bonds were issued or such other indebtedness was incurred before or after the effective date of said Section 216 or said Amendments Nos. 8, 17 and 240, shall continue under this Constitution to have the right to levy and collect such tax, irrespective of whether such tax was being levied and collected prior to the effective date of this Constitution, in the same manner and on the same terms and conditions (including any adjustment to the rate of such tax permitted by the provisions of Amendment No. 373 to the Constitution of 1901) as applied to the levy and collection of such tax and the use of the proceeds thereof under the Constitution of 1901, the relevant amendments thereto and other applicable laws of the State of Alabama in effect prior to the effective date of this Constitution. Any tax described in the first sentence of this section which is being levied and collected by any municipality as of the effective date of this Constitution shall continue in effect in accordance with the ordinance or other action of the municipal governing body providing for the levy thereof and shall not in any way be affected by the adoption of this Constitution. Any other provision of this Constitution to the contrary notwithstanding, any tax described in the first sentence of this section shall be independent of and in addition to any other taxes at any time authorized to be levied by municipalities in the State of Alabama.

Section 220. The Alabama State Docks Department shall continue in existence and shall have all the powers previously granted to or provided for it pursuant to those amendments to the Constitution of Alabama of 1901 respecting said Department in effect at the time this Constitution is adopted, which amendments shall continue in effect and are incorporated hereby in this Constitution, and said Department shall continue to be authorized to exercise all powers being exercised by said Department at the time of the adoption of this Constitution until such powers are altered, repealed or otherwise terminated through adoption of amendments to this Constitution, provided, however, that the Legislature may provide for the issuance of bonds or other securities by said Department and for such additional powers for the Department as the Legislature shall determine.

Section 221. The provisions of Section 47 of this Constitution notwithstanding, the compensation and expense allowance payable to members of the legislature may be fixed by the legislature in the organizational or regular session of 1984 and may not be altered thereafter during such term.

Section 222. Throughout this Constitution, the masculine gender shall be deemed to include the feminine and vice versa, and both shall be deemed to include the neuter and vice versa, whenever the context admits such

construction.

Section 2. An election upon the proposed amendment is ordered to be held at the next special or general election held not less than three months after the final adjournment of the 1983 regular session of the legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Sections 17-17-1 through 17-17-6 of the Code of Alabama 1975.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the state. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

And said Bill, S. B. 58, together with the Report of the Committee on Conference, is herewith sent to the House for its consideration.

McDOWELL LEE,
Secretary.

MOTION TO POSTPONE

Rep. Manley offered the motion to postpone until Monday, July 25, 1983, consideration of the Report of the Committee on Conference concerning the disagreement between the two Houses on the House amendment to the bill, S. 58, said Report being set out in the above and foregoing Report of the Committee on Conference.

SUBSTITUTE MOTION LOST

The substitute motion offered by Rep. Johnson (Roy) to table the motion to postpone offered by Rep. Manley, was lost.

Yeas 40; Nays 54.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Biddle, Blake, Box, Brooks, Browder, Butler, Carter, Casey, Clark, Coburn, Coleman, Crow, Davis, Drinkard, Dutton, Goodwin, Hettinger, Holley, Johnson (Roy), Junkins, Kennedy, Lauderdale, Layton, Martin, Minus, Mitchell, Newman, Nicholson, Parker, Poole, Smith, Thornton, Warren, White (F) and Zoghby.

—40

Nays:

Reps.: Blakeney, Boles, Bowling, Brakefield, Bryant, Buskey, Campbell, Carothers, Clikas, Cosby, Faulk, Flowers, Ford, Gaston, Grimsley, Hall, Hammett, Harper, Holmes, Johnson (A. L.), Johnson (R. G.), Kvalheim, Langford, Lewis, McKee, McMillan, Manley, Moore, Murphy, Nevett, Owens, Payne, Penry, Preuitt, Rains, Reed, Rice, Richardson, Sasser, Scott, Seibels, Starkey, Starr, Stout, Thomas, Trammell, Turner, Turnham, Venable, Waggoner, White (L), Williams, Wilson and Wright.

—54

The question was then on the motion offered by Rep. Manley to postpone consideration of the Report of the Committee on Conference concerning the disagreement between the two Houses on the House amendment to the bill, S. 58, and the motion was adopted.

Yeas 53; Nays 42.

Yeas:

Reps.: Blakeney, Brakefield, Bryant, Buskey, Campbell, Carothers, Clikas, Faulk, Flowers, Ford, Gaston, Grimsley, Hammett, Harper, Holmes, Johnson (A. L.), Johnson (R. G.), Kennedy, Kvalheim, Laird, Langford, Lewis, McKee, McMillan, Manley, Moore, Murphy, Nevett, Owens, Payne, Penry, Preuitt, Rains, Reed, Rice, Richardson, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thornton, Trammell, Turner, Turnham, Venable, Waggoner, White (L), Williams, Wilson and Wright.

—53

Nays:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Blake, Bowling, Box, Brooks, Browder, Butler, Carter, Casey, Clark, Coburn, Coleman, Cosby, Crow, Davis, Drinkard, Dutton, Freeman, Goodwin, Grouby, Hall, Hettinger, Holley, Johnson (Roy), Junkins, Lauderdale, Layton, Martin, Minus, Mitchell, Newman, Nicholson, Parker, Poole, Thomas, Warren, White (F) and Zoghby.

—42

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bills and Senate Joint Resolutions, your signature thereto is requested:

S. 192. To amend Section 31-2-90, Code of Alabama 1975, which provides for appointment of defense counsel in actions against members of the national guard, so as to make such counsel available at state expense, from the regular or special appropriations for the maintenance of the national guard or the general fund, in the discretion of the governor, when the adjutant general determines that a member of the national guard acted reasonably or in his official capacity in the discharge of any duty under the military code.

Also:

S. J. R. 238. EXPRESSING LEGISLATIVE INTENT AND PUBLIC POLICY THAT OFFSHORE ENVIRONMENTAL RULES BE CONSISTENT WITH, BUT NOT MORE STRINGENT THAN, FEDERAL OFFSHORE ENVIRONMENTAL REGULATIONS.

Also:

S. J. R. 268. COMMENDING MRS. LONIA M. GILL UPON HER RETIREMENT AS EXECUTIVE SECRETARY OF THE WOMAN'S HOME AND OVERSEAS MISSIONARY SOCIETY OF THE A.M.E. ZION DENOMINATION.

Also:

S. J. R. 278. CONGRATULATING THE ALABAMA MEDICAL RECORD ASSOCIATION.

Also:

S. 97. To amend Section 7-9-204 of the Code of Alabama, 1975, relat-

ing to security agreements in connection with after-acquired property and future advances so as to provide that as relates to agriculture, a security agreement may provide that any and all obligations covered by the security agreement are to be secured by after-acquired collateral including without limitation all seed and all crops and the seed and agricultural products from any such crops growing or crops to be grown, whether they become such more or less than one year after the security agreement is executed and whether the security agreement is given in conjunction with a lease, a land purchase or improvement transaction or not.

Also:

S. 191. To amend Section 31-2-89, Code of Alabama 1975, which bars actions or proceedings against members of the national guard for acts done in the discharge of military duty, so as to provide for conditions under which indemnification by the state shall be available to such persons.

Also:

S. 468. To provide a statement of public policy and legislative intent underlying its enactment; to provide that the measure of damages in any civil action for the unauthorized extraction, severance, injury or removal of coal from land performed in good faith shall be the fair market value of the coal in place before severance as of the time of extraction, severance, injury or removal; to provide that the measure of damages in all other civil actions for the unauthorized extraction, severance, injury or removal of coal shall be the fair market value of the coal after severance, at the time and place of severance, without allowance for labor and expenses; to provide for its retroactive application; to provide for the severability of the provisions of this Act; and to provide for the manner in which it shall become law.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE BILLS AND SENATE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Bills and Senate Joint Resolutions, the titles of which are set out in the above and foregoing Message from the Senate.

HOUSE BILLS POSTPONED

On motion of Rep. Holley, all House bills remaining on the Calendar when the House adjourns today, will be indefinitely postponed.

MOTION TO RECESS

Rep. Johnson (A. L.) offered the motion that the House recess until 7 o'clock p.m.

SUBSTITUTE MOTION LOST

The substitute motion offered by Rep. Rice that the House adjourn until 10:00 o'clock a.m., Monday, July 25, 1983, was lost.

Yeas 34; Nays 60.

Yeas:

Reps.: Adams, Ashley, Box, Brakefield, Brooks, Campbell, Cosby, Drinkard,

Ford, Goodwin, Grimsley, Hammett, Holmes, Johnson (A. L.), Johnson (R. G.), Laird, Lauderdale, McKee, Manley, Mathis, Minus, Owens, Rains, Reed, Rice, Richardson, Sasser, Scott, Starkey, Trammell, Venable, White (F), Williams and Wright.

—34

Nays:

Mr. Speaker, Albright, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Browder, Bryant, Buskey, Butler, Carter, Casey, Clark, Clikas, Coburn, Coleman, Crow, Davis, Faulk, Flowers, Freeman, Gaston, Grouby, Harper, Hettinger, Holley, Horn, Johnson (Roy), Junkins, Kennedy, Kvalheim, Langford, Layton, McMillan, Martin, Mitchell, Moore, Nevett, Newman, Nicholson, Parker, Payne, Penry, Poole, Rogers, Seibels, Smith, Starr, Stout, Thomas, Thornton, Turner, Turnham, Waggoner, Warren, White (L), Wilson and Zoghby.

—60

RECESS

The question was then on the motion offered by Rep. Johnson (Roy) that the House recess until 7:00 o'clock p.m., and the motion was adopted.

HOUSE RECONVENED

The hour of 7:00 o'clock p.m. having arrived, the House reconvened. The Speaker called the House to order.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 191. To amend Section 36-29-2 of the Code of Alabama 1975 relating to the state employees' insurance board so as to further provide for the state employee members of the board.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Senators Aldridge, Parsons, Amari, Corbett, Cooley, Bachus and Barron:

S. 453. To amend Section 17-16-6, Code of Alabama 1975, which relates to the time and place for holding primary elections, except special primary elections and presidential preference primaries, so as to provide that primary elections shall be held on the first Tuesday in June, and a runoff election, if necessary, shall be held on the fourth Tuesday thereafter, effective June 5, 1984, and thereafter.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 453. Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Senators Parsons, Goodwin, Teague, Bedford, Corbett, Smith (J) and Smith (B):

S. 209. To prescribe procedures whereby a taxpayer may designate a contribution to a political party on his or her state income tax return.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 209. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Senator Bedford:

S. 410. To amend Sections 12-13-20 and 11-3-4.1, Code of Alabama, 1975, as amended, which relate to salaried probate judges' and commissioners' minimum compensation so as to further provide for such compensation and to provide a minimum compensation for revenue commissioners and to further provide for such compensation.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 410. State Administration.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Senator Bedsole (With Notice and Proof)

S. 536. Relating to any Class 2 municipality; providing for a referendum on the question of adoption of a mayor-council form of government, a council-manager form of government, or a district-commission form of government; establishing in the alternative said forms of government; and providing for penalties for violations of certain provisions of this Act.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 536, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE,
Secretary.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 536. Local Legislation No. 3.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Senator Hilliard:

S. 335. To provide that any payments for the support of any person which are ordered by the trial courts of this state or which are ordered in a reciprocal nonsupport case and which are awarded in cases filed pursuant to the Social Security Act's Title IV-D program for child support, shall be ordered paid directly to the county department of pensions and security, or other office designated by the State Department of Pensions and Security; to provide that such designated office shall not include the clerk or register or district attorney without that officer's express written consent; and, to provide an effective date.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 335. Judiciary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Senator Covington (With Notice and Proof):

S. 558. Relating to Barbour County; to abolish the current board of education, effective the day after the special November general election of 1983, at which election a new five (5) member county board of education shall qualify and be elected from the five (5) representation districts created for the Barbour County Board of Education pursuant to an order of the U. S. District Court for the Middle District of Alabama, Northern Division, dated July 10, 1970, Civil Action No. 2458-N.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 558, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE,
Secretary.

Also:

By Senator Cooley (With Notice and Proof):

S. 559. Relating to Cullman County, to amend Sections 1 and 12 of Act No. 161, H. 182, 1973 Regular Session (Acts 1973, p. 202), which act levies a county hotel-motel lodging tax, so as to increase said tax, and to provide further for the use of the proceeds of such tax.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 559, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE,
Secretary.

Also:

By Senators Barron and Smith (J) (With Notice and Proof):

S. 560. Authorizing the County Governing body of Madison County to levy, assess and collect franchise, excise and privilege license taxes in Madison County outside the corporate limits of the City of Huntsville, Alabama, providing that the proceeds of said tax be paid into the general fund of Madison County; providing certain limitations on the levying of the taxes; providing for the enforcement and collection of the tax and distribution thereof, and providing an effective date for this act.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 560, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919

McDOWELL LEE,
Secretary.

Also:

By Senators Bachus and Proctor (With Notice and Proof):

S. 562. Relating to Shelby County; to create a license-issuing division within the probate judge's office for the issuance of certain licenses; to provide for the selection of personnel for such license-issuing division; to provide certain duties for the division; to provide for an optional procedure for the renewal of motor vehicle licenses in the county by mail; to authorize certain additional fees and cost pursuant to such system of renewal of motor vehicle licenses by mail; such fees shall be set by the county commission

from time to time to pay the cost of mailing tags or decals; to prescribe more convenient and efficient procedures for assessing and collecting of certain taxes; the issuance of licenses by the probate judge's office; to transfer certain duties now performed by the tax assessor and tax collector; to provide that the probate judge shall be a member of the Association of Tax Assessors and Tax Collectors; and to provide further for the expense allowance of the probate judge.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 562, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE,
Secretary.

Also:

By Senators Bachus and Proctor (With Notice and Proof):

S. 563. Relating to Shelby County; authorizing and empowering the county commission to promulgate and implement rules and regulations including advance permit requirements for adequate control and accommodation of outdoor musical concerts and other outdoor entertainment productions to be held in those areas of the county situated outside of the municipal or town limits of any city or town in Shelby County and prescribing penalty for violation.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 563, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE,
Secretary.

Also:

By Senator Cooley (With Notice and Proof):

S. 565. Relating to Winston County; authorizing the Winston County Commission to levy a county excise tax on the sale, distribution, storage, or withdrawal from storage of gasoline and/or diesel fuel in such county; providing for the collection and enforcement of the tax, and appropriating the proceeds therefrom.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 565, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919

McDOWELL LEE,
Secretary.

Also:

By Senator Cooley (With Notice and Proof):

S. 566. Relating to Winston County; authorizing the Winston County Commission to levy an additional county privilege, license, or excise tax on the sale, distribution, storage, use or other consumption of tobacco and certain tobacco products in such county; providing for the collection and enforcement of the tax, and appropriating the proceeds therefrom.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 566, AS REQUIRED IN THE GENERAL

ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE,
Secretary.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 558. Local Legislation No. 1.

S. 559. Local Legislation No. 1.

S. 560. Local Legislation No. 4.

S. 562. Local Legislation No. 1.

S. 563. Local Legislation No. 1.

S. 565. Local Legislation No. 1.

S. 566. Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the Executive amendment to the Bill:

H. 296. To provide for fair dismissal procedures for non-teachers and non-certified or classified employees in the public school systems, two-year institutions under control of the State Board of Education, the Department of Youth Services and the Alabama Institution for Deaf and Blind, who are not otherwise covered by the State's Merit System, the Teacher Tenure Law, or other state statutes at the time this Act is adopted; to provide procedural and substantive due process of law for dismissal for just cause before the employing board after the employee completes the probationary period of employment and thereafter gains permanent status; to provide for an employee review panel to hear contested termination of employment and transfer; and to provide for review of the decisions of the employing board.

by a majority of the whole number elected to the Senate, said vote being Yeas 19, Nays 0.

And said Bill, H. B. 296, as amended by the Executive amendment, was again read at length and passed by a majority of the whole number elected to the Senate, said vote being Yeas 20, Nays 0.

And said Bill, H. B. 296, together with the Executive amendment, is herewith returned to the House.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same

herewith to the House:

H. 231. To provide for the issuance of special permits for the movement of certain type oversized loads over or on the highways of Alabama.

Also:

H. 275. To amend Sections 34-25-3, 34-25-5, 34-25-26 and 34-25-29, Code of Alabama 1975, which provide for the practice and regulation of polygraph examiners, so as to further regulate said practice.

Also:

H. 286. Prescribing certain procedures for distribution of revenues to counties and municipalities by state agencies.

Also:

H. 297. To provide that the victim of a criminal offense shall be entitled to be present in any court exercising any jurisdiction over such offense and therein to be seated at the counsel table of any prosecutor prosecuting such offense or other attorney representing the government which initiated such prosecution; to provide further that the victim of a criminal offense not be prevented by operation of rule of court, statute or other law from attending any trial or hearing or any portion thereof conducted by any court which in any way pertains to such offense; to provide further that whenever a victim is unable to attend trial or hearing or any portion thereof by reason of death; disability; hardship; incapacity; physical, mental, or emotional condition; age; or other inability, the victim, the victim's guardian or the victim's family may select a representative who shall be entitled to exercise any right granted the victim, pursuant to the provisions of this bill; to further provide that a victim of a criminal offense shall be exempt from the witness exclusion rule.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 453. COMMENDING OUR COLLEAGUE REPRESENTATIVE RICK MANLEY OF DEMOPOLIS.

Also:

H. J. R. 454, COMMENDING OUR COLLEAGUE REPRESENTATIVE BOBBY C. CROW OF ANNISTON.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 398. COMMENDING HOWARD J. TURNER, JR., FOR OUTSTANDING LEADERSHIP.

Also:

H. J. R. 422. COMMENDING AND HONORING JUDGE VAL L. McGEE.

Also:

H. J. R. 424. COMMENDING DR. JAMES F. VICKREY, PRESIDENT OF THE UNIVERSITY OF MONTEVALLO.

Also:

H. J. R. 427. COMMENDING AND CONGRATULATING THE WALKER COLLEGE ACADEMIC BOWL TEAM.

Also:

H. J. R. 430. COMMENDING THE REVEREND W. LAURENS HUDSON OF MONTGOMERY, ALABAMA.

Also:

H. J. R. 431. COMMENDING DR. CATHERINE STEINMITZ AMOS ON BEING SELECTED AS OPTOMETRIST OF THE YEAR BY THE ALABAMA OPTOMETRIC ASSOCIATION.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the House amendment to the following Senate Bill:

S. 233. To provide that teachers and principals in each school shall develop a budget for the expenditure of instructional materials and supply funds and to provide that such funds shall be allocated to the individual schools in each county and city by the board of education.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 329. MOURNING THE DEATH OF MR. JAMES R. GAVIN OF MOBILE, ALABAMA.

Also:

H. J. R. 332. COMMENDING THE JOINT COMMISSION ON ACCREDITATION OF HOSPITALS.

Also:

H. J. R. 334. COMMENDING THE JOINT COMMISSION ON ACCREDITATION OF HOSPITALS.

Also:

H. J. R. 335. CONGRATULATING JESSE BROWN OF ARAB, AL-

ABAMA, ON BECOMING CHAIRMAN OF THE ALABAMA HOSPITAL ASSOCIATION FOR THE YEAR 1983-1984.

Also:

H. J. R. 346. COMMENDING THE JOINT COMMISSION ON ACCREDITATION OF HOSPITALS.

Also:

H. J. R. 337. COMMENDING THE JOINT COMMISSION ON ACCREDITATION OF HOSPITALS.

Also:

H. J. R. 341. COMMENDING COMMUNITY HOSPITAL OF TALLASSEE.

Also:

H. J. R. 343. COMMENDING *THE BIRMINGHAM NEWS* FOR ITS INITIATION OF "PROJECT HELP!"

Also:

H. J. R. 348. COMMENDING DR. THOMAS K. HEARN, JR., UPON HIS APPOINTMENT AS PRESIDENT OF WAKE FOREST UNIVERSITY.

Also:

H. J. R. 358. COMMENDING MR. WALLACE LEE SMITH, JR., PROMINENT HOUSTON COUNTY EDUCATOR.

Also:

H. J. R. 378. COMMENDING THE ALABAMA DEPARTMENT OF AGRICULTURE AND INDUSTRIES ON THE OCCASION OF THE DEPARTMENT'S 100th ANNIVERSARY.

Also:

H. J. R. 379. COMMENDING DR. HENRY PORTER ORR FOR OUTSTANDING SERVICE TO AUBURN UNIVERSITY.

Also:

H. J. R. 396. COMMENDING THE MEDICAL ASSOCIATION OF THE STATE OF ALABAMA ON THE ESTABLISHMENT OF "PROJECT DOCTOR'S CARE."

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 72. Relating to the Alabama law governing the practice of professional and practical nursing and creating the Alabama Board of Nursing; to amend § 34-21-1 to more clearly define professional and practical nursing; to amend Section 34-21-2 to add one additional licensed practical nurse to the board, to provide for the manner and time of appointment and alter the

responsibilities of LPN members, to provide further for representation in nominations for professional nurse members of the board, to provide all board members with immunity from civil liability, to amend the powers and duties of the board relative to nursing educational programs, to allow the board to investigate allegations of misconduct, to make disciplinary actions matters of public record, to provide for development of nursing standards and continued competency, to allow membership in national nursing organizations and to increase per diem for board members from $30 to $50; to amend Section 34-21-6 to provide an exemption for nurses transporting patients through the state or providing educational or consultative services for less than 30 days, to make it unlawful to conceal violations of the Act, and to make violations of the Act a Class A misdemeanor; to amend Section 34-21-22 so as to delete the equivalency clause; to amend Section 34-21-24 to further provide for continued competency; to amend Section 34-21-24 to provide further for the fees under this chapter; to amend Section 34-21-25, so as to further provide for violations, clarify penalties, to allow for investigations and actions in the name of the board, to require parties requesting witnesses to be subpoenaed to pay witness fees and mileage, to simplify the use of depositions, to clarify the necessity for reinstatement, to further provide for appeals of decisions of the board, and to provide civil immunity for persons providing information in disciplinary cases.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Johnson (Roy), the House concurred in and adopted the Senate amendment to the bill, H. 72, said Senate amendment being as follows:

On page 7, line 34, in subsection (4) between the words "such" and "programs" add the following underlined words:

nursing educational

On page 8, in subsection (4), delete lines 7 through 9 and insert in lieu thereof the following: power of the state board of education or other constitutionally or legislatively established state agencies to govern the schools under their respective jurisdictions.

Yeas 55; Nays 4.

Yeas:

Mr. Speaker, Ashley, Bennett, Blake, Box, Browder, Bryant, Buskey, Butler, Campbell, Carter, Casey, Clark, Coburn, Dutton, Flowers, Gaston, Goodwin, Grimsley, Hammett, Holley, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Manley, Martin, Mitchell, Moore, Murphy, Newman, Nicholson, Parker, Poole, Preuitt, Rice, Richardson, Seibels, Smith, Starkey, Thomas, Thornton, Trammell, Venable, Warren, White (F), White (L), Wilson, Wright and Zoghby.

—55

Nays: Reps.: Brooks, Freeman, Hall and Hettinger. —4

And the bill, H. 72 as thus amended, was again read at length and passed.

Yeas 59; Nays 2.

Yeas:

Mr. Speaker, Ashley, Bennett, Blake, Blakeney, Boles, Box, Browder, Bryant, Buskey, Butler, Carter, Casey, Coburn, Drinkard, Dutton, Gaston, Goodwin, Grimsley, Hammett, Holley, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Martin, Minus, Mitchell, Moore, Murphy, Newman, Owens, Parker, Poole, Preuitt, Reed, Rice, Richardson, Seibels, Smith, Starkey, Starr, Thomas, Thornton, Trammell, Turner, Venable, Warren, White (F), White (L), Wilson, Wright and Zoghby.

—59

Nays: Reps.: Albright and Freeman. —2

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 530. To regulate further the office of chief deputy sheriff in Jefferson County; to provide that such office shall be an office in the unclassified service of the county; to prescribe the compensation of the chief deputy and provide for the payment thereof; to authorize the sheriff of Jefferson County to appoint the chief deputy sheriff; and to prescribe the effective date of such act.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Layton, the House concurred in and adopted the Senate amendment to the bill, H. 530, said Senate amendment being as follows:

Amend House Bill 530 on Page 1, Section 2, line 35 by adding the following language: paid. The chief deputy shall

Yeas 59; Nays 0.

Yeas:

Mr. Speaker, Ashley, Bennett, Blake, Blakeney, Boles, Box, Brakefield, Buskey, Butler, Casey, Clark, Coburn, Flowers, Gaston, Goodwin, Grimsley, Hall, Hammett, Holley, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, McKee, Minus, Mitchell, Moore, Murphy, Newman, Nicholson, Owens, Parker, Poole, Preuitt, Rice, Richardson, Sasser, Scott, Seibels, Smith, Starkey, Starr, Thomas, Thornton, Trammell, Turnham, Venable, Warren, White (L), Wilson, Wright and Zoghby.

—59

And the bill, H. 530 as thus amended, was again read at length and passed.

Yeas 68; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Blake, Blakeney, Boles, Box,

Brakefield, Browder, Bryant, Buskey, Butler, Carter, Casey, Clark, Coburn, Cosby, Dutton, Flowers, Gaston, Goodwin, Grimsley, Hall, Holley, Horn, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, McKee, Minus, Mitchell, Moore, Murphy, Newman, Nicholson, Owens, Parker, Poole, Preuitt, Reed, Rice, Richardson, Sasser, Scott, Seibels, Smith, Starkey, Starr, Thomas, Thornton, Trammell, Turner, Turnham, Venable, Warren, White (F), White (L), Wilson, Wright and Zoghby.

—68

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 450. To provide for and regulate through licensure and registration the business of selling or leasing of timesharing vacation facilities; to place certain duties on the Real Estate Commission and the Attorney General, or the District Attorney of any county of the State of Alabama; and to provide penalties for violations of this act or rules, regulations, and orders issued under the authority thereof.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Coleman, the House concurred in and adopted the Senate amendment to the bill, H. 450, said Senate amendment being as follows:

Amend H. B. 450 by deleting in its entirety the House amendment and substitute in lieu thereof the following:

"Amend H. B. 450 on page 10, line 14 by striking the word "seven" and in lieu thereof and inserting the word: "five" and to remove the word "seventh" on line 15 of the same page and insert in lieu thereof the word: "fifth".

Further amend H. B. 450 on page 10, line 25 by striking the word "seven" and inserting in lieu thereof the word: "five" and by striking the word "seventh" on line 26 of the same page and inserting in lieu thereof the word: "fifth".

Further amend H. B. 450 by changing Section 2(2)h, page 8, beginning on line 15 and ending on line 16 to read as follows:

"provide that the obligor therein will pay ~~to the extent of~~ up to $100,000.00 the aggregate sum of all ~~any judgment or~~ judgments which may be recovered."

Further amend H. B. 450 by changing Section 9(a)(3), page 15, line 19 to read as follows:

"~~casualty~~ property insurance at the seller's expense for the"

Further amend H. B. 450 by changing Section 20(a), page 32, lines 28 and 29 to read as follows:

"will pay ~~to the extent of~~ up to $5,000.00 or $10,000.00, respectively, the aggregate sum of all ~~any~~ judgments which may be recovered against"

Yeas 51; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Blake, Boles, Box, Brakefield, Browder, Carothers, Cosby, Dutton, Gaston, Goodwin, Grimsley, Hall, Hammett, Holley, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Langford, Lauderdale, Minus, Mitchell, Moore, Murphy, Newman, Nicholson, Parker, Poole, Rice, Richardson, Sasser, Scott, Seibels, Smith, Starkey, Stout, Thornton, Trammell, Turner, Turnham, Venable, Warren, White (L), Wright and Zoghby.

—51

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 450 as thus amended, was again read at length and passed.

Yeas 54; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Blakeney, Box, Brakefield, Browder, Carothers, Casey, Clark, Coburn, Coleman, Cosby, Dutton, Faulk, Gaston, Goodwin, Grimsley, Hall, Hammett, Holley, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Laird, Langford, Lauderdale, Minus, Mitchell, Moore, Murphy, Nicholson, Parker, Poole, Rice, Richardson, Sasser, Scott, Seibels, Smith, Starkey, Starr, Thornton, Trammell, Turner, Turnham, Venable, White (L), Wilson, Wright and Zoghby.

—54

H. 148 TEMPORARILY POSTPONED

On motion of Rep. Carothers, the bill, H. 148 with Senate amendment was temporarily postponed.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has received the accompanying Message from His Excellency, the Governor, proposing an amendment to the Bill:

S. 93. Relating to the state merit system; amending Section 36-26-5, Code of Alabama 1975, relating to the composition of the state personnel board, so as to provide further for its composition, and amending Section 36-26-27, Code of Alabama 1975, which provides for the disciplining and dismissals of employees in the state classified service so as to provide further for such procedures.

said Governor's Message being in words and figures as follows: to-wit:

MESSAGE FROM THE GOVERNOR

To the Alabama Senate
State Capitol

Montgomery, Alabama 36130

RE: S. 93

Lady and Gentlemen:

I transmit herewith a Message from Governor George C. Wallace, returning Senate Bill # 93. This Bill is returned without the Governor's signature and approval but with the following suggested Executive Amendment.

Done this 18th day of July, 1983.

Respectfully submitted,

ELVIN L. STANTON,
Executive Secretary.

MESSAGE FROM THE GOVERNOR

To the Alabama Senate
State Capitol
Montgomery, Alabama 36130

RE: S. B. 93

Lady and Gentlemen:

I am returning to you, the body in which it originated, Senate Bill #93, without my signature and approval but with a suggested Executive Amendment which would make this Bill acceptable.

The Bill as presented allows appointments to the Personnel Board by the Governor, the Lieutenant Governor, and the Speaker of the House of Representatives, in addition to an elected member from the ranks of state employees. The Bill further requires all appointed members to be appointed with the consent of the Senate. This could likely result in a very awkward situation in that the Senate would have to approve an appointment by its own presiding officer and the Senate would also have to approve an appointment by the Speaker of the House of Representatives. Although non-concurrence would not be expected in either of these events, circumstances could exist in future years which would make this a very undesirable situation. Also, I feel that this jeopardizes the historical integrity of a total separation between the House and Senate.

I believe an even larger problem exists with the Bills, as presented to me, with regard to current uncertainty over terms of office of current members and beginning dates of terms of office of new members. It would appear that the date for the beginning/ending of terms was inadvertently left out or was inadvertently not otherwise provided for in the Amendment.

For these reasons, and for other related reasons, I offer the following Executive Amendments:

EXECUTIVE AMENDMENT TO S. B. 93

Amend S. B. 93, beginning on page one, Section 1, line twenty-four, after the character "(a)" by deleting this entire subsection through and including page two, line sixteen, and substitute therefore, the following:

"The State Personnel Board shall consist of five persons, as follows:

Two persons appointed by the Governor, one of them whose term shall expire on February 1, 1985, and one of them whose term shall expire on February 1, 1986, one person appointed by the Speaker of the Alabama

House of Representatives, whose term shall expire February 1, 1987, one person appointed by the Lieutenant Governor of the State of Alabama, whose term shall expire February 1, 1988, and one person who shall be a classified employee elected as hereinafter provided, whose term shall expire February 1, 1989. (b). The terms of the present members of the State Personnel Board shall end on the last day of August, 1983. The new members of the Personnel Board shall begin their terms on September 1, 1983. If any vacancy occurs on the Board, or at the expiration of the original terms therein above established, such vacancies shall be filled by the original appointing authority, for said position. After the expiration of these original terms herein above outlined, all subsequent terms shall be for six years, except for appointments to fill unexpired terms, which shall expire on the same date their predecessor's term expired. Each member shall be required to take the Constitutional oath of office before entering upon their duties. The Board shall designate one of its members as chairman. Three members of the Board shall constitute a quorum for the transaction of business. Each member shall be a person over nineteen years of age, of recognized character and ability, shall have been a bona fide resident and qualified voter of this State for not less than five years and shall not, when appointed nor for three years then last passed before the date of his appointment, have held elected public or party office nor have been a candidate for such office. No two appointed members of said Personnel Board shall be appointed from any one Congressional District of the State. A member of the Board may be removed from office for the same causes and by the same procedures as provided by the Constitution and Statutes of Alabama for impeachment of sheriffs. Each member of the Board shall receive a per diem of $50.00 and expenses for attendance upon meeting of the Board. No member shall receive total compensation in excess of $1,200.00 per annum, excluding expenses and excluding compensation received for attendance upon trial of charges preferred against employees as provided in this article."

Amend Section 1, page two, subsection (b), line eighteen, after the word "employees" and the period "." by deleting "For his original term, he shall serve a six-year term" and substitute therefore, as follows:

"For his or her original term, they shall serve until February 1, 1989, and thereafter elected members shall serve six-year terms."

The adoption of the above and foregoing suggested Executive Amendment will remove my objections to this Bill.

Done this 18th day of July, 1983.

Respectfully,

GEORGE C. WALLACE,
Governor.

And the Senate has concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill, S. B. 93, by a vote of a majority of the whole number elected to the Senate, said vote being: Yeas 23, Nays 0.

And said Bill, S. B. 93, as thus amended by the Executive amendment, was again read at length and passed by a vote of a majority of the whole number elected to the Senate, said vote being: Yeas 21, Nays 0.

And said Bill, S. B. 93, together with the Executive amendment, is

herewith sent to the House for its consideration.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Owens, the House concurred in and adopted the amendment proposed by His Excellency, the Governor, to the bill, S. 93, said Governor's amendment being set out in the above and foregoing Message from the Senate.

Yeas 65; Nays 0.

Yeas:

Mr. Speaker, Ashley, Bennett, Blake, Blakeney, Boles, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Carothers, Casey, Clark, Clikas, Coburn, Cosby, Faulk, Freeman, Gaston, Goodwin, Grimsley, Hall, Holley, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, McKee, McMillan, Mathis, Minus, Mitchell, Moore, Murphy, Nicholson, Parker, Penry, Poole, Preuitt, Rice, Richardson, Rogers, Seibels, Smith, Starkey, Starr, Thomas, Thornton, Turner, Turnham, Venable, Warren, White, (F), Wilson, Wright and Zoghby.

—65

And the bill, S. 93, as amended by the amendment proposed by His Excellency, the governor, was again read at length and passed.

Yeas 71; Nays 0.

Yeas:

Mr. Speaker, Ashley, Bennett, Blake, Blakeney, Boles, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Carothers, Casey, Clark, Clikas, Coburn, Cosby, Crow, Dutton, Faulk, Flowers, Freemen, Gaston, Goodwin, Grimsley, Hall, Hammett, Holley, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, McKee, McMillan, Minus, Mitchell, Moore, Murphy, Newman, Nicholson, Owens, Parker, Penry, Poole, Preuitt, Rains, Rice, Richardson, Sasser, Seibels, Smith, Starkey, Starr, Thomas, Thornton, Turner, Turnham, Venable, Warren, White (F), Wilson, Wright and Zoghby.

—71

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 224. To amend Chapter 41 of the Alabama Insurance Code to authorize and limit the investment by domestic life, disability, and burial insurers in oil and gas producing properties and facilities.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Owens, the House concurred in and adopted the

Senate amendment to the bill, H. 224, said Senate amendment being as follows:

Amend House Bill 224 as follows:

On page 2, line 7, strike out the figure "$100,000,000" and insert in lieu thereof "$50,000,000."

Yeas 78; Nays 2.

Yeas:

Mr. Speaker, Ashley, Blake, Blakeney, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carter, Casey, Clark, Clikas, Coburn, Cosby, Crow, Drinkard, Faulk, Flowers, Ford, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Hettinger, Holley, Horn, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Martin, Minus, Moore, Murphy, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Starkey, Starr, Thomas, Thornton, Turner, Turnham, Venable, Warren, White (F), White (L), Wilson, Wright and Zoghby.

—78

Nays: Reps.: Adams and Coleman. —2

And the bill, H. 224 as thus amended, was again read at length and passed.

Yeas 80; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Blake, Blakeney, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Carter, Casey, Clark, Clikas, Coburn, Cosby, Crow, Drinkard, Dutton, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Hettinger, Holley, Horn, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, McKee, Martin, Minus, Moore, Murphy, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Sasser, Scott, Seibels, Smith, Starkey, Starr, Thomas, Thornton, Turner, Turnham, Venable, Warren, White (F), White (L), Wilson, Wright and Zoghby.

—80

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has received the accompanying Message from His Excellency, the Governor, proposing an amendment to the Bill:

S. 369. To establish the Senior Citizens Hall of Fame for the purposes of honoring persons making certain contributions for the betterment of the lives of older American citizens; to provide for the membership and election; to create a committee appointed by the governor, and providing duties, powers and life of such committee; to provide for a chairman and clerical assistance and the conduct of its business; and to provide for the reimbursement of the actual and necessary expenses of the members of the committee.

said Governor's Message being in words and figures as follows: to-wit:

MESSAGE FROM THE GOVERNOR

To the Alabama Senate
State Capitol
Montgomery, Alabama 36130

Lady and Gentlemen:

I transmit herewith a Message from Governor George C. Wallace returning Senate Bill #369 without the Governor's signature and approval and with the following suggested Executive Amendment.

Done this 22nd day of July, 1983.

Respectfully submitted,

ELVIN L. STANTON,
Executive Secretary.

MESSAGE FROM THE GOVERNOR

To the Alabama Senate
State Capitol
Montgomery, Alabama 36130

Lady and Gentlemen:

I am returning to you, the body in which it originated, Senate Bill Number 369, without my signature and approval and with the following suggested Executive Amendment:

On page one, line nine, delete the word "and."

On page one, line eleven, delete the period (.) and add the words "; and to appropriate necessary funds."

On page three, line one, delete the words "governor's office" and add the words "Commission on Aging."

After Section 6, add a new Section as follows: "Section 7. There is hereby appropriated from the State General Fund the sum of $25,000 to the Senior Citizens Hall of Fame for the fiscal year ending September 30, 1984 to implement the provisions of this act."

Renumber all subsequent sections accordingly.

The adoption of the above and foregoing suggested Executive Amendment will remove my objections to this Bill.

Respectfully,

GEORGE C. WALLACE,
Governor.

Done this 22nd day of July, 1983.

And the Senate has concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill, S. B. 369, by a vote of a majority of the whole number elected to the Senate, said vote being: Yeas 19, Nays 0.

And said Bill, S. B. 369, as thus amended by the Executive amendment, was again read at length and passed by a vote of a majority of the whole number elected to the Senate, said vote being: Yeas 23, Nays 0.

And said Bill, S. B. 369, together with the Executive amendment, is

herewith sent to the House for its consideration.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Layton, the House concurred in and adopted the amendment proposed by His Excellency, the Governor, to the bill, S. 369, said Governor's amendment being set out in the above and foregoing Message from the Senate.

Yeas 82; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Blake, Blakeney, Boles, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carter, Clark, Clikas, Coleman, Cosby, Crow, Davis, Drinkard, Faulk, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Hettinger, Holley, Horn, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, McKee, McMillan, Manley, Martin, Minus, Mitchell, Moore, Murphy, Newman, Nicholson, Owens, Parker, Penry, Poole, Preuitt, Rains, Rice, Richardson, Rogers, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Tucker, Turner, Turnham, Venable, Warren, White (F), White (L), Wilson and Wright.

—82

And the bill:

S. 369. To establish the Senior Citizens Hall of Fame for the purposes of honoring persons making certain contributions for the betterment of the lives of older American citizens; to provide for the membership and election; to create a committee appointed by the Governor, and providing duties, powers and life of such committee; to provide for a chairman and clerical assistance and the conduct of its business; to provide for the reimbursement of the actual and necessary expenses of the members of the committee; and to appropriate necessary funds.

As amended by the amendment proposed by His Excellency, the Governor, was again read at length and passed.

Yeas 79; Nays 0.

Yeas:

Mr. Speaker, Ashley, Bennett, Blake, Blakeney, Boles, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carter, Casey, Clark, Coburn, Coleman, Cosby, Crow, Davis, Drinkard, Faulk, Ford, Freeman, Goodwin, Grimsley, Grouby, Hammett, Hettinger, Holley, Horn, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, McKee, Manley, Martin, Minus, Mitchell, Moore, Murphy, Newman, Nicholson, Owens, Parker, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Scott, Seibels, Smith, Starkey, Starr, Thomas, Thornton, Tucker, Turner, Turnham, Venable, Warren, White (F), White (L), Wilson, Wright and Zoghby.

—79

MOTION TO RECONSIDER TABLED

Having voted on the prevailing side, Rep. Ford offered the motion to reconsider the vote by which consideration of the bill, S. 58, was postponed until Monday, July 25, 1983, and on motion of Rep. Manley, the motion to reconsider was tabled.

Yeas 60; Nays 25.

Yeas:

Reps.: Albright, Bennett, Blakeney, Brakefield, Brooks, Campbell, Carothers, Clark, Clikas, Cosby, Davis, Escott, Flowers, Freeman, Gaston, Grimsley, Hall, Hammett, Harper, Hettinger, Holmes, Johnson (A. L.), Johnson (R. G.), Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Melton, Moore, Newman, Owens, Payne, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Starkey, Starr, Thomas, Thornton, Turner, Turnham, Venable, Waggoner, White (L), Wilson, Wright and Zoghby.

—60

Nays:

Mr. Speaker, Adams, Ashley, Box, Buskey, Butler, Carter, Casey, Coleman, Drinkard, Ford, Goodwin, Holley, Horn, Johnson (Roy), Junkins, Kennedy, Martin, Minus, Murphy, Nicholson, Parker, Smith, Tucker and Warren.

—25

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House Bills and House Joint Resolutions hereinafter mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 11:40 A.M. on July 22, 1983.

H. 20

H. 38

H. 53

H. 55

H. 85

H. 126

H. 421

H. 517

H. 575

H. 675

H. 725

Delivered to the Governor at 2:30 P.M. on July 22, 1983.

H. 133

H. 323

H. 395

H. 626

H. J. R. 380

H. J. R. 432

H. J. R. 437

H. J. R. 445

H. J. R. 446

H. J. R. 447

H. J. R. 449

H. 523

Delivered to the Governor at 4:50 P.M. on July 22, 1983.

H. 84

JOHN W. PEMBERTON,
Clerk.

ADJOURNMENT

On motion of Rep. Sasser and pursuant to the resolution, H. R. 435, heretofore adopted, the House adjourned until 10:00 o'clock a.m., Monday, July 25, 1983.

TWENTY-NINTH DAY

House of Representatives
Montgomery, Alabama
Monday, July 25, 1983

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Henry Beaulieu, Ministerial Student, Wetumpka, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker,

Payne, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

—104

A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the twenty-eighth legislative day and finds the same to be correct.

JOHN CASEY,
Chairman.

On motion of Rep. Casey, the rules were suspended and the reading at length of the Journal of the House for the twenty-eighth legislative day was dispensed with and the Standing Committee on Rules was concurred in and adopted, and the Journal for the twenty-eighth legislative day was approved.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 183. Relating to Mobile County; to provide for the allocation of up to twenty percent (20%) of the proceeds of ad valorem tax funds levied and collected in accordance with the terms of Act No. 319, H. 593, Regular Session 1976 (Acts 1976, p. 353), by the Mobile County Board of Health for general health purposes.

Also:

H. 184. Relating to the City of Citronelle, in Mobile County; providing further for any tax revenues received by Citronelle, pursuant to Act No. 82-427, H. 221, Regular Session 1982 (Acts, 1982, p. 675), relating to the distribution of certain alcoholic beverage tax revenues to counties and municipalities, so as to prescribe that all such funds in Citronelle be disbursed to the Citronelle Historical Society and make the provisions retroactive to January 1, 1983.

Also:

H. 102. Relating to Tuscaloosa County, to repeal, in part, Act 613, H. 1289, 1977 Regular Session, (Acts of 1977, p. 922) a population based bill for Tuscaloosa County relating to voter registration; specifically repealing Section 11 pertaining to the voter signature book and Section 12 pertaining to the suspension of registration.

Also:

H. 111. Relating to Choctaw County, to authorize the sheriff to sell at public auction certain types of confiscated property in circumstances not provided in the general laws of the state, including specifically, without lim-

itation, Chapter 12 of Title 35; Section 20-2-93; and Title 28 of the Code of Alabama 1975.

Also:

H. 218. Relating to Jackson County; providing for the establishment of a consolidated and unified system for assessment and collection of taxes, under the supervision of an elected county official designated as county revenue commissioner; providing for the compensation of such official; repealing conflicting laws; and providing for a referendum.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 681. To amend §34-23-116, Code of Alabama of 1975, relating to exemptions from the "Third Party Prescription Program Act" in Title 34, Chapter 23, Article 5, Code of Alabama of 1975, so as to provide for exemption of services reimbursed by non-profit corporations organized under Title 10, Chapter 4, Article 6, Code of Alabama of 1975, to establish and operate health care service plans.

Also:

H. 686. To further amend Section 11-60-1, Code of Alabama, 1975 respecting municipal public park and recreation boards, to amend the definitions in the said act to include the recreational facilities, handball courts and gymnasiums in the definition of "Project" therein.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 816. Relating to Marshall County; to provide that all county commissioners shall serve full time; providing for compensation; and providing for retroactive effect.

Also:

H. 237. To make appropriations for the support and maintenance of the Walker County Junior College.

Also:

H. 238. To make appropriations for the support and maintenance of the Tuskegee Institute.

Also:

H. 239. To make appropriations for the support and maintenance of the Talladega College.

Also:

H. 240. To make appropriations for the support and maintenance of

the Marion Military Institute.

Also:

H. 241. To make appropriations for the support and maintenance of the Lyman Ward Military Academy.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 220. To amend Act 79-473, Regular Session 1979, as amended by Act 80-558 of the Regular Session 1980 (Acts 1980, p. 867), which pertains to the distribution of Tennessee Valley Authority payments in lieu of taxes to Jackson County, so as to provide for a portion of such payments shall be used to provide for a legislative office for the members of the state legislative delegation serving Jackson County.

Also:

H. 221. Relating to Jackson County; amending Section 2 of Act No. 79-349, H. 761, 1979 Regular Session (Acts 1979, p. 562), relating to the distribution of the use of coal severance tax in the county collected pursuant to said act, so as to further provide therefor.

Also:

H. 316. Relating to Jackson County; to authorize the Jackson County Commission to fix a county fire protection tax of 2 mills on certain taxable real estate in Jackson County, excluding row crops and pasture lands; to authorize the Jackson County Commission to appoint the president of the Jackson County Association of Volunteer Fire Departments to the office of fire marshal of Jackson County; to authorize the Jackson County Commission to spend the fire protection tax funds through requisition presented by the fire marshal of Jackson County; to authorize the Jackson County Commission to adopt a county fire code; to authorize the Jackson County Association of Volunteer Fire Departments to establish fire districts in the geographical boundaries of Jackson County; and to exclude from fire districts any corporate municipality which does not request through resolution by its governing body to be made a part of and subject to the provisions of this act.

Also:

H. 410. Relating to Calhoun County; amending Section 9 of Act No. 154, H. 746, of the 1965 Regular Session, which created the office of commissioner of licenses in certain counties classified on a population basis, so as to provide further for fees collected for issuing motor vehicle license tags by mail.

Also:

H. 619. Relating to Chambers County, requiring the county health department or its agents to perform soil percolation tests for septic tank installation purposes for a certain fee.

Also:

H. 672. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Forkland in Greene County.

Also:

H. 680. Relating to Randolph County; requiring the county health department or its agent, to perform soil percolation tests for septic tank installation purposes for a certain fee.

Also:

H. 694. Relating to Randolph County; providing further for the compensation of the county coroner.

Also:

H. 770. Relating to Tuscaloosa County; providing for the filing for record and the preservation of all orders and decrees made and entered by any judge of the circuit court in Tuscaloosa County.

Also:

H. 797. To amend Section 5 of Act No. 82-362, H. 772, of the Regular Session of 1982, relating to the compensation of deputy sheriffs in Calhoun County, so as to clarify the date on which such act shall become effective.

Also:

H. 831. Relating only to Choctaw County, to further provide for the distribution of the tax levied by Act #82-344, Acts of Alabama, regular session 1982.

Also:

H. 507. Relating to Lee County; to provide further for the election of the members of the county board of education.

Also:

H. 511. Relating to Lee County; to legalize the sale of draft or keg beer or malt beverages.

McDOWELL LEE,
Secretary.

RESOLUTION

The following resolution was introduced:

By Rep. Johnson (Roy):

H. R. 460. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That when we adjourn today, Monday, July 25, 1983, we adjourn to meet again on Monday, August 1, 1983, at 10:00 a.m.

On motion of Rep. Johnson (Roy), the rules were suspended and the resolution H. R. 460, was adopted.

BILLS ON SECOND READING

Rep. Casey, Chairman of the Standing Committee on Rules, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a sec-

ond time and placed on the Calendar, to-wit:

S. 453. To amend Section 17-16-6, Code of Alabama 1975, which relates to the time and place for holding primary elections, except special primary elections and presidential preference primaries, so as to provide that primary elections shall be held on the first Tuesday in June, and a runoff election, if necessary, shall be held on the fourth Tuesday thereafter, effective June 5, 1984, and thereafter.

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 209. To prescribe procedures whereby a taxpayer may designate a contribution to a political party on his or her state income tax return.

Rep. Langford, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 335. To provide that any payments for the support of any person which are ordered by the trial courts of this state or which are ordered in a reciprocal nonsupport case and which are awarded in cases filed pursuant to the Social Security Act's Title IV-D program for child support, shall be ordered paid directly to the county department of pensions and security, or other office designated by the State Department of Pensions and Security; to provide that such designated office shall not include the clerk or register or district attorney without that officer's express written consent; and, to provide an effective date.

Rep. Blake, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with substitute, and they were severally read a second time and placed on the Calendar, to-wit:

S. 410. (With Substitute): To amend Sections 12-13-20 and 11-3-4.1, Code of Alabama, 1975, as amended, which relate to salaried probate judges' and commissioners' minimum compensation so as to further provide for such compensation and to provide a minimum compensation for revenue commissioners and to further provide for such compensation.

S. 199. (With Substitute): Relating to the regulation, registration and licensing of certain persons engaged in the business of buying gold or silver or gold or silver objects; providing for exemptions; and providing penalties for the violations.

Rep. Rains, Chairman of the Standing Committee on Local Legislation, No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 557. Relating to Shelby County; providing further for the licensing of retailers of alcoholic beverages.

S. 559. Relating to Cullman County to amend Sections 1 and 12 of Act No. 161, H. 182, 1973 Regular Session (Acts 1973, p. 202), which act levies a county hotel-motel lodging tax, so as to increase said tax, and to provide further for the use of the proceeds of such tax.

Rep. Albright, Chairman of the Standing Committee on Local Legislation, No. 4, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 560. Authorizing the County Governing Body of Madison County to levy, assess and collect franchise, excise and privilege license taxes in Madison County outside the corporate limits of the City of Huntsville, Alabama, providing that the proceeds of said tax be paid into the general fund of Madison County; providing certain limitations on the levying of the taxes; providing for the enforcement and collection of the tax and distribution thereof, and providing an effective date for this act.

S. 329. Relating to Madison County; to further provide for the distribution of the beer tax levied by Act No. 82-344, H. 165, Regular Session 1982.

Rep. Turner, Chairman of the Standing Committee on Local Legislation, No. 3, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

S. 536. (With Amendments): Relating to any Class 2 municipality; providing for a referendum on the question of adoption of a mayor-council form of government, a council-manager form of government, or a district-commission form of government; establishing in the alternative said forms of government; and providing for penalties for violations of certain provisions of this Act.

Rep. Turner, Chairman of the Standing Committee on Local Legislation, No. 3, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 277. To provide for an adjustment in certain benefits paid under the pension and relief system for policemen and firemen of the City of Mobile to retired members of such system who retired after October 1, 1977, and before May 4, 1978.

Rep. Rains, Chairman of the Standing Committee on Local Legislation, No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

S. 566. (With Amendment): Relating to Winston County; authorizing the Winston County Commission to levy an additional county privilege, license, or excise tax on the sale, distribution, storage, use or other consumption of tobacco and certain tobacco products in such county; providing for the collection and enforcement of the tax, and appropriating the proceeds therefrom.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 501. Relating to Etowah County, to grant the constable of the District Court an expense allowance.

S. 562. Relating to Shelby County; to create a license-issuing division within the probate judge's office for the issuance of certain licenses; to provide for the selection of personnel for such license-issuing division; to provide certain duties for the division; to provide for an optional procedure for the renewal of motor vehicle licenses in the county by mail; to authorize certain additional fees and cost pursuant to such system of renewal of motor vehicle licenses by mail; such fees shall be set by the county commission from time to time to pay the cost of mailing tags or decals; to prescribe more convenient and efficient procedures for assessing and collecting of certain taxes; the issuance of licenses by the probate judge's office; to transfer certain duties now performed by the tax assessor and tax collector; to provide that the probate judge shall be a member of the Association of Tax Assessors and Tax Collectors; and to provide further for the expense allowance of the probate judge.

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 109. To exempt George Lindsey Celebrity Benefit, Inc., The Opp Jaycees Rattlesnake Rodeo, the Andalusia Rotary Club World Championship Domino Tournament, the East Alabama Services for the Elderly, Inc., a nonprofit corporation in Lee County, Alabama, or any predecessor organization or entity, from the payment of all state, county and municipal sales and use taxes.

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, with amendments, and it was read a second time and placed on the Calendar, to-wit:

S. 379. (With Substitute and Amendments): To make an appropriation of certain Trust Income from the Alabama Heritage Trust Income Account to Tuskegee Institute for capital outlay for the fiscal year ending September 30, 1984.

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

S. 357. (With Amendment): To abolish the existing "Hank Williams Memorial Commission"; to create and establish in lieu thereof a new "Hank Williams Memorial Commission"; to prescribe the composition of such commission and provide for the terms of its members; to prescribe the functions and duties of such commission and to provide certain tax exempt status for the commission.

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 185. To amend Section 16-39-7, Code of Alabama 1975, which provides for the allocation of teacher units for exceptional children, so as to authorize local legislation which would authorize up to twenty percent (20%) of the local school board's exceptional children teacher unit alloca-

tion to be used for teaching intellectually gifted children.

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

S. 483. (With Substitute): To provide that certain prior service as a municipal court judge may be counted toward retirement as a circuit judge.

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 433. To amend Section 36-27-11, Code of Alabama, 1975, as amended, to provide that if a department head appointed by the Governor has been a member of the employees' retirement system as an employee, a State department head, and a county engineer prior to March 30, 1982 and has withdrawn his contributions to the retirement system, he shall have restored to him all credited service provided that said department head shall repay to the State treasurer of the retirement system within one year after the effective date of this act the amount previously returned to him including compounded interest of 8% to the date of repayment; provided further that said department head may receive credit toward retirement status in the employee's retirement system of Alabama for his full time military service provided that he makes the required contributions plus interest as provided in Section 36-17-4(d), Code of Alabama, 1975, within one year of the effective date of this act; provided further that said department head shall receive membership service credit with the employees' retirement system of Alabama for time served as a county engineer in a county which was not covered under the employees' retirement system of Alabama upon payment of an amount equal to 4% of his compensation as a county engineer plus and together therewith 8% interest compounded from the last date of such claimed service as county engineer to the date of payment to the secretary/treasurer of the retirement systems of Alabama. Said lump sum payment to be made within one year of the effective date of this act.

Rep. Holmes, Chairman of the Standing Committee on Highway Safety, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 337. To provide for the use of blue reflective markers, of varying types, for the purpose of indicating the location of fire/water hydrants along public roads.

S. 238. To exempt certain vehicles used for the purpose of transporting sawdust for use in poultry farming operations from the truck weight restrictions imposed by Section 32-9-20 of the Code of Alabama 1975.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill to-wit:

H. 296. To provide for fair dismissal procedures for non-teachers and

non-certified or classified employees in the public school systems, two-year institutions under control of the State Board of Education, the Department of Youth Services and the Alabama Institution for Deaf and Blind, who are not otherwise covered by the State's Merit System, the Teacher Tenure Law, or other state statutes at the time this Act is adopted; to provide procedural and substantive due process of law for dismissal for just cause before the employing board after the employee completes the probationary period of employment and thereafter gains permanent status; to provide for an employee review panel to hear contested termination of employment and transfer; and to provide for review of the decisions of the employing board.

And finds same correctly enrolled with Executive Amendment.

JOHN S. CASEY,
Chairman.

SIGNING OF THE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills and House Joint Resolutions, to wit:

H. 191. To amend Section 36-29-2 of the Code of Alabama 1975 relating to the state employees' insurance board so as to further provide for the state employee members of the board.

Also:

H. 231. To provide for the issuance of special permits for the movement of certain type oversized loads over or on the highways of Alabama.

Also:

H. 275. To amend Sections 34-25-3, 34-25-5, 34-25-26 and 34-25-29, Code of Alabama 1975, which provide for the practice and regulation of polygraph examiners, so as to further regulate said practice.

Also:

H. 286. Prescribing certain procedures for distribution of revenues to counties and municipalities by state agencies.

Also:

H. 297. To provide that the victim of a criminal offense shall be entitled to be present in any court exercising any jurisdiction over such offense and therein to be seated at the counsel table of any prosecutor prosecuting such offense or other attorney representing the government which initiated such prosecution; to provide further that the victim of a criminal offense not be prevented by operation of rule of court, statute or other law from attending any trial or hearing or any portion thereof conducted by any court which in any way pertains to such offense; to provide further that whenever a victim is unable to attend trial or hearing or any portion thereof by reason

of death; disability; hardship; incapacity; physical, mental, or emotional condition; age; or other inability, the victim, the victim's guardian or the victim's family may select a representative who shall be entitled to exercise any right granted the victim, pursuant to the provisions of this bill; to further provide that a victim of a criminal offense shall be exempt from the witness exclusion rule.

Also:

H. J. R. 329. MOURNING THE DEATH OF MR. JAMES R. GAVIN OF MOBILE, ALABAMA.

Also:

H. J. R. 332. CONGRATULATING DRUID CITY HOSPITAL ON BECOMING ACCREDITED IN 1983 BY THE JOINT COMMISSION ON ACCREDITATION OF HOSPITALS.

Also:

H. J. R. 334. COMMENDING THE JOINT COMMISSION AN ACCREDITATION OF HOSPITALS.

Also:

H. J. R. 335. CONGRATULATING JESSE BROWN OF ARAB, ALABAMA ON BECOMING CHAIRMAN OF THE ALABAMA HOSPITAL ASSOCIATION FOR THE YEAR 1983-1984.

Also:

H. J. R. 337. COMMENDING THE JOINT COMMISSION ON ACCREDITATION OF HOSPITALS.

Also:

H. J. R. 341. COMMENDING COMMUNITY HOSPITAL OF TALLASSEE.

Also:

H. J. R. 343. COMMENDING *THE BIRMINGHAM NEWS* FOR ITS INITIATION OF "PROJECT HELP!"

Also:

H. J. R. 346. COMMENDING THE JOINT COMMISSION ON ACCREDITATION OF HOSPITALS.

Also:

H. J. R. 348. COMMENDING DR. THOMAS K. HEARN, JR., UPON HIS APPOINTMENT AS PRESIDENT OF WAKE FOREST UNIVERSITY.

Also:

H. J. R. 358. COMMENDING MR. WALLACE LEE SMITH, JR., PROMINENT HOUSTON COUNTY EDUCATOR.

Also:

H. J. R. 378. COMMENDING THE ALABAMA DEPARTMENT OF AGRICULTURE AND INDUSTRIES ON THE OCCASION OF THE DEPARTMENT'S 100th ANNIVERSARY.

Also:

H. J. R. 379. COMMENDING DR. HENRY PORTER ORR FOR OUTSTANDING SERVICE TO AUBURN UNIVERSITY.

And finds same correctly enrolled.

JOHN S. CASEY,
Chairman.

SIGNING OF BILLS AND HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills and House Joint Resolutions, the titles of which are set out in the above and foregoing Report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES
ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 396. COMMENDING THE MEDICAL ASSOCIATION OF THE STATE OF ALABAMA ON THE ESTABLISHMENT OF "PROJECT DOCTOR'S CARE."

Also:

H. J. R. 398. COMMENDING HOWARD J. TURNER, JR., FOR OUTSTANDING LEADERSHIP.

Also:

H. J. R. 422. COMMENDING AND HONORING JUDGE VAL L. MCGEE.

Also:

H. J. R. 424. COMMENDING DR. JAMES F. VICKREY, PRESIDENT OF THE UNIVERSITY OF MONTEVALLO.

Also:

H. J. R. 427. COMMENDING AND CONGRATULATING THE WALKER COLLEGE ACADEMIC BOWL TEAM.

Also:

H. J. R. 431. COMMENDING DR. CATHERINE STEINMITZ AMOS ON BEING SELECTED AS OPTOMETRIST OF THE YEAR BY THE ALABAMA OPTOMETRIC ASSOCIATION.

Also:

H. J. R. 453. COMMENDING OUR COLLEAGUE REPRESENTATIVE RICK MANLEY OF DEMOPOLIS.

Also:

H. J. R. 454. COMMENDING OUR COLLEAGUE REPRESENTATIVE BOBBY C. CROW OF ANNISTON.

And finds same correctly enrolled.

JOHN S. CASEY,
Chairman.

REPORT OF THE STANDING COMMITTEE ON RULES

Rep. Casey, Chairman of the Standing Committee on Rules, reported that said Committee in session had acted on the following resolutions and ordered same returned to the House with a favorable report:

H. J. R. 367. CREATING AN INTERIM COMMITTEE TO STUDY THE UPDATING OF THE WORKMEN'S COMPENSATION ACT.

On motion of Rep. Hall, the resolution, H. J. R. 367, was adopted.

Also:

S. J. R. 259. CREATING THE FORT TOULOUSE-FORT JACKSON LEGISLATIVE JOINT INTERIM COMMITTEE.

On motion of Rep. Venable, the resolution, S. J. R. 259, was postponed to the thirtieth legislative day.

Also:

H. J. R. 394. CREATING A PERMANENT JOINT COMMITTEE TO STUDY OIL AND GAS, TO BE CALLED THE "ALABAMA OIL AND GAS STUDY COMMITTEE," EFFECTIVE JANUARY 1, 1984.

On motion of Rep. Hammett, the resolution, H. J. R. 394 was temporarily postponed.

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles has been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills and House Joint Resolution, to wit:

H. 72. Relating to the Alabama law governing the practice of professional and practical nursing and creating the Alabama Board of Nursing; to amend § 34-21-1 to more clearly define professional and practical nursing; to amend Section 34-21-2 to add one additional licensed practical nurse to the board, to provide for the manner and time of appointment and alter the responsibilities of LPN members, to provide further for representation in nominations for professional nurse members of the board, to provide all board members with immunity from civil liability, to amend the powers and duties of the board relative to nursing educational programs, to allow the board to investigate allegations of misconduct, to make disciplinary actions matters of public record, to provide for development of nursing standards and continued competency, to allow membership in national nursing organizations and to increase per diem for board members from $30 to $50; to amend Section 34-21-6 to provide an exemption for nurses transporting pa-

tients through the state or providing educational or consultative services for less than 30 days, to make it unlawful to conceal violations of the Act, and to make violations of the Act a Class A misdemeanor; to amend Section 34-21-22 so as to delete the equivalency clause; to amend Section 34-21-24 to further provide for continued competency; to amend Section 34-21-24 to provide further for the fees under this chapter; to amend Section 34-21-25, so as to further provide for violations, clarify penalties, to allow for investigations and actions in the name of the board, to require parties requesting witnesses to be subpoenaed to pay witness fees and mileage, to simplify the use of depositions, to clarify the necessity for reinstatement, to further provide for appeals of decisions of the board, and to provide civil immunity for persons providing information in disciplinary cases.

Also:

H. 224. To amend Chapter 41 of the Alabama Insurance Code to authorize and limit the investment by domestic life, disability, and burial insurers in oil and gas producing properties and facilities.

Also:

H. 450. To provide for and regulate through licensure and registration the business of selling or leasing of timesharing vacation facilities; to place certain duties on the Real Estate Commission and the Attorney General, or the District Attorney of any county of the State of Alabama; and to provide penalties for violations of this act or rules, regulations, and orders issued under the authority thereof.

Also:

H. 530. To regulate further the office of chief deputy sheriff in Jefferson County; to provide that such office shall be an office in the unclassified service of the county; to prescribe the compensation of the chief deputy and provide for the payment thereof; to authorize the sheriff of Jefferson County to appoint the chief deputy sheriff; and to prescribe the effective date of such act.

Also:

H. J. R. 430. COMMENDING THE REVEREND W. LAURENS HUDSON OF MONTGOMERY, ALABAMA.

And finds same correctly enrolled.

JOHN S. CASEY,
Chairman.

SIGNING OF BILLS AND HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills and House Joint Resolution, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bills, your signature thereto is requested:

S. 46. To change the name of the Civil Defense Department to the

State of Alabama Emergency Management Agency.

Also:

S. 63. To amend Section 11-50-411 of the Code of Alabama 1975 so as to provide further for the computation and disposition of the net income of gas districts incorporated pursuant to Article 12 of Chapter 50 of Title 11 of the Code of Alabama 1975, as amended.

Also:

S. 69. To amend Sections 36-7-20 and 36-7-22 of the Code of Alabama 1975 so as to further provide for the per diem allowance and mileage allowance for persons traveling on state business.

Also:

S. 90. To amend Section 4 of Act No. 83-75 adopted at the First Special Session of 1983 of the Legislature of Alabama to provide for the refunding thereunder of any warrants issued by a county for the purpose of erecting necessary public buildings, bridges and roads.

Also:

S. 188. To amend Sections 40-6-1, 40-6-3, 40-6-4, and 40-6-5, Code of Alabama 1975, so as to reduce the minimum requirements for qualification as supernumerary official created in said Sections, reduce the benefits payable for the minimum qualifications with a step increase to the maximum benefit provided for additional years service, to remove certain limitations, to increase the contribution paid in by officials participating in such program, and to establish a deadline for electing to participate in the program.

Also:

S. 227. To create a preretirement death benefit program which shall be effective to all employees covered under the Teachers' Retirement System of Alabama and the Employees' Retirement System of Alabama and to provide for the administration thereof. To give the boards of control authority to provide said death benefit in the form of group life insurance upon determination that to do so would generate a more favorable tax treatment to the beneficiaries to whom said benefit is payable, and to provide for the implementation of said program. To further provide and define the corporate powers and status of the Teachers' Retirement System and the Employees' Retirement System.

Also:

S. 233. To provide that teachers and principals in each school shall develop a budget for the expenditure of instructional materials and supply funds and to provide that such funds shall be allocated to the individual schools in each county and city by the board of education.

Also:

S. 239. To provide further for the expenses of the president and associate commissioners of the Alabama Public Service Commission.

Also:

S. 299. To amend Section 16-8-26, Code of Alabama 1975, which provides for personal leave for teachers, so as to provide further for said leave, and to provide for early retirement for unused accrued sick leave.

Also:

S. 533. To amend the "Council-Manager Act of 1982", so as to authorize the governing body of any Class 6 city, by resolution, to elect to have the form of government originally prescribed in this act or an alternate form, having a nine-member council, composed of one member elected at large and designated as mayor and eight members elected, two from each of the four districts into which the city is divided, by the qualified electors of the districts, respectively, providing for the time for the change in the form of government in such Class 6 cities, authorizing the council of such cities to elect a mayor pro tem, who in such cities will be in lieu of the second councilman-at-large elected in other cities governed by this act, limiting the power of the council of such Class 6 cities to remove a city manager, and making changes needed to reconcile other sections of said act with the above-described changes in the form of government hereby authorized; and, to provide for holding an election in 1983 on the question of the adoption of the council-manager form of government in any Class 6 municipality wherein the municipal governing body has elected to have a nine-member council, with the change in the form of government becoming operative on the first Monday in October 1986; and to limit the time during which this law shall supersede other laws.

Also:

S. 224. To amend Section 8-21-5, Code of Alabama 1975, relating to franchise agreements between retailers engaged in the business of selling farm implements, and certain other farm equipment or parts, and wholesalers, manufacturers or distributors therefor, so as to provide further for the items exempt from the repurchase requirements.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing Message from the Senate.

RESOLUTION

The following resolution was introduced:

By Reps.: Seibels, Payne, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drake, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Warren, White (F),

White (L), Williams, Wilson, Wright and Zoghby:

H. J. R. 461. MOURNING THE DEATH OF SERGEANT REX W. WINCHESTER OF THE IRONDALE POLICE DEPARTMENT.

WHEREAS, it is with deep sadness and regret that the Alabama Legislature notes the tragic death of Sergeant Rex W. Winchester on July 12, 1983, at the age of 54 years; and

WHEREAS, Sergeant Winchester, a veteran officer of some 15 years with the Irondale Police Department, was killed in the line of duty, the ultimate sacrifice of a heroic man in service to humanity; and

WHEREAS, Sergeant Winchester was a man possessed of quiet courage and one whose great strength was in his compassion for others, even in the face of foe; he was a very unique individual, made singular in his preference for seeking a peaceable solution to violence and through use of force only as a last resort; and

WHEREAS, it was this courage of conviction that thus led to his death and to a loss that is shared by all those throughout the State of Alabama, and our nation, who hold dear a citizen's right to a lawful and orderly society; and

WHEREAS, Sergeant Winchester's departmental records reveal a number of letters of commendation from grateful citizens; it is in the hearts of these people, his fellow officers and beloved family that his memory yet lives; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That even as we give thanks for his life, we grievously mourn the death of Sergeant Rex W. Winchester and extend our most heartfelt sympathy to his wife, Mrs. Louise Winchester, and to their three children, to whom copies of this resolution shall be sent in expression of deepest regret.

BE IT FURTHER RESOLVED, That a copy of this resolution also be forwarded to the Police Department of the City of Irondale from whose ranks rose a hero larger than life itself.

On motion of Rep. Seibels, the rules were suspended and the resolution, H. J. R. 461, was adopted.

REPORT OF THE STANDING COMMITTEE ON RULES

Rep. Casey, Chairman of the Standing Committee on Rules, reported that said Committee in session had acted on the following resolution and ordered same returned to the House with a favorable report:

H. J. R. 425. CREATING AN INTERIM LEGISLATIVE COMMITTEE TO ASSESS THE NON-FEDERAL ASPECTS AND RESPONSIBILITIES INVOLVED IN COMPLETING THE COOSA RIVER NAVIGATION PROJECT.

On motion of Rep. Drinkard, the resolution, H. J. R. 425, was adopted.

RESOLUTIONS

The following resolutions were introduced:

By Rep. Williams:

H. J. R. 462. COMMENDING THE GULF OIL COMPANY, MR.

D. C. INGLE, MR. R. D. HUCKABY, AND MR. FRANK ODOM FOR THEIR GENEROSITY AND VOLUNTEER WORK AT THE SOUTHEAST ALABAMA REHABILITATION CENTER.

WHEREAS, The Gulf Oil Company, through the efforts and volunteer work of Mr. D. C. Ingle and Mr. R. D. Huckaby, employees of Gulf Oil Company, and Mr. Frank Odom, District General Manager of Gulf Oil Company, Southeast Alabama Rehabilitation Center has a service station, complete with pumps, tanks and island form, for the purpose of training disabled citizens in Southeast Alabama to become self-supporting in the automotive field; and

WHEREAS, the leadership and personnel at Gulf Oil Company have a long standing record of responding to and participating in societal needs in a broad variety of endeavors that improve the quality of life in communities in which it operates; and

WHEREAS, the example of Mr. D. C. Ingle, Mr. R. D. Huckaby and Mr. Frank Odom and of Gulf Oil Company and its personnel in their concern for others and service to the disabled at Southeast Alabama Rehabilitation Center is volunteerism of the noblest order; now therefore,

BE IT RESOLVED BY THE ALABAMA LEGISLATURE, BOTH HOUSES THEREOF CONCURRING, That we most sincerely thank and commend the Gulf Oil Company, Mr. D. C. Ingle, Mr. R. D. Huckaby and Mr. Frank Odom for their exemplary volunteerism in providing another opportunity for our disabled citizens to become independent and self-supporting, and applaud their generosity in the betterment of their fellowmen.

RESOLVED FURTHER, That a copy of this resolution be sent to Mr. D. C. Ingle, Mr. R. D. Huckaby, Mr. Frank Odom and the President of the Gulf Oil Corporation, so that they may know of our appreciation and admiration.

On motion of Rep. Williams, the rules were suspended and the resolution, H. J. R. 462, was adopted.

Also:

By Reps.: Butler, Carter, Brooks, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Browder, Bryant, Buskey, Campbell, Carothers, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drake, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby:

H. J. R. 463. NAMING ACT NO. 83-572, HB 630, "THE STATE TROOPER DAVID TEMPLE ACT."

WHEREAS, State Trooper David Edwin Temple was a dedicated law enforcement officer who was tragically killed in line of duty on September 13, 1979, while attempting to arrest a felony suspect; and

WHEREAS, Act No. 83-572, HB 630, will provide long needed protection for law enforcement officers attempting to make arrests under similar circumstances through regulation of tinted windows in motor vehicles so as to make indentification of the occupants of such vehicles less hazardous for the arresting officer; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That HB 630 that subsequently became Act No. 83-572 during the 1983 Regular Session of the Legislature is hereby designated and known as "The State Trooper David Temple Act."

On motion of Rep. Butler, the rules were suspended and the resolution, H. J. R. 463, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Junkins:

H. R. 464. COMMENDING MISS NAN CALLAN, EXECUTIVE SECRETARY OF THE GADSDEN CONCERT ASSOCIATION.

Also:

The following resolutions were introduced:

By Reps.: Hettinger, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drake, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Holley, Holmes, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby:

H. J. R. 465. COMMENDING THE INTERIM COMMISSION ON ELEMENTARY AND SECONDARY SCIENCE AND MATHEMATICS.

WHEREAS, The Interim Commission on Elementary and Secondary Science and Mathematics was created as part of Act No. 83-172, HJR 97, 1983 2nd Special Session; and

WHEREAS, the six-member Commission was established to make specific recommendations regarding the appropriate number of science and math teachers, to assess measures to encourage current math and science teachers to pursue post-baccalaureate studies in the fields of science and mathematics and to assess programs to promote the overall quality of instruction in the fields of science and mathematics; and

WHEREAS, the Commission has already submitted its findings in a highly professional and organized report; and

WHEREAS, the report was presented in a timely and useful fashion, containing many recommendations which are clearly in the best interests of

Alabama and its citizenry; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend the Interim Commission on Elementary and Secondary Science and Mathematics on the outstanding service it performed to our State.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to the Commission members Dr. William C. Berryman, Dr. C. J. Daane, Mrs. Linda Keith, Mr. Thad Morgan, Mr. Kenneth Owens, and Mrs. Nelle Salamone as a mere token of our deepest appreciation and warmest personal regard.

On motion of Rep. Hettinger, the rules were suspended and the resolution, H. J. R. 465, was adopted.

Also:

By Reps.: Nicholson and Brakefield:

H. J. R. 466. HONORING DR. W. E. BIRDSONG OF JASPER, ALABAMA.

WHEREAS, the legislature of Alabama has noted, with pleasure, Dr. W.E. Birdsong's election as President of Alabama Chapter of the American Academy of Family Practice by his colleagues; and

WHEREAS, Dr. Birdsong has previously served with distinction within his professional organizations including the Walker County Medical Association, American Medical Association and American Academy of Family Practice; and

WHEREAS, he established his family practice in Jasper in 1965 and during the past 18 years has devoted 24 hours a day and seven days a week treating his patients for all illnesses and without thought as to their ability to pay; and

WHEREAS, Jasper's beloved Dr. Birdsong is a compassionate physician who is dedicated to his profession, sensitive to the needs of his patients and deeply aware of his responsibility in ministering to their physical and total well-being; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that we most highly commend Dr. W.E. Birdsong on his outstanding career as physician and friend; we further wish him well in continued pursuit of his noble profession and presidency, directing that he receive a copy of this resolution as but a token of our appreciation and esteem.

On motion of Rep. Brakefield, the rules were suspended and the resolution, H. J. R. 466, was adopted.

Also:

By Reps.: Nicholson and Brakefield:

H. J. R. 467. HONORING VALLEY SCHOOL.

WHEREAS, the Legislature of the State of Alabama has noted with pleased accord the opening of Valley School in Walker County, Alabama; and

WHEREAS, Valley School is one of the finest new school facilities in the State of Alabama and serves as a model school for all school systems;

and

WHEREAS, Valley School was formed by consolidating Boldo School and Union Chapel School which were both schools with a rich tradition of academic and athletic excellence and community participation; and

WHEREAS, the merger of these two schools could not have been successful without the co-operation and unselfish devotion of the parents, students, teachers and citizens of Boldo and Union Chapel; and

WHEREAS, the smooth transition from two schools to one was made possible by the untiring effort and untiring devotion of Gwin Wells who served as principal to both schools and now serves as principal of Valley School; now therefore

BE IT THEREFORE RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that we most highly commend the Walker County School Board; parents, students, teachers and citizens of Boldo and Union Chapel; and Gwin Wells on the completion of the new Valley School.

BE IT FURTHER RESOLVED that Gwin Wells and Valley School be presented copies of this resolution so that they may know of our high regard and best wishes.

On motion of Rep. Brakefield, the rules were suspended and the resolution, H. J. R. 467, was adopted.

Also:

By Reps.: Nicholson, Brakefield and Richardson:

H. J. R. 468. COMMENDING LUCIOUS "SONNY" RICHARDSON OF JASPER, ALABAMA.

WHEREAS, the Legislature of Alabama notes with pleasure and pride that Lucious "Sonny" Richardson has been named outstanding employee of the year by the local chapter of the Alabama Employees' Association of Walker County, Alabama; and

WHEREAS, "Sonny" served his country with distinction and has retired from 20 years of service in the United States Army; and

WHEREAS, Sonny has served with tireless devotion and unending dedication in ministering to the needs of the veterans of Walker County and their families without regard to office hours; and

WHEREAS, Sonny has, in the short time since retiring from service to his country, become a vital part of the Jasper community and a valued friend to all those he has worked for; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that we most highly commend and congratulate Lucious "Sonny" Richardson on being named employee of the year.

BE IT FURTHER RESOLVED that Lucious "Sonny" Richardson be presented a copy of this resolution so that he may know of our high regard and esteem.

On motion of Rep. Richardson, the rules were suspended and the resolution, H. J. R. 468, was adopted.

Also:

By Reps.: Nicholson and Waggoner:

H. J. R. 469. COMMENDING SMITH LAKE CIVIC ASSOCIATION.

WHEREAS, the Legislature of Alabama has noted with pleased accord the completion of the Smith Lake Civic Center in Walker County; and

WHEREAS, the Smith Lake Civic Center is the result of the hard work and determination of the members of the Smith Lake Civic Association and was funded by private funds raised by the members of the Smith Lake Civic Association and without governmental funds; and

WHEREAS, the Smith Lake Civic Center is an asset to the entire Smith Lake Community and will be enjoyed by all; and

WHEREAS, the Smith Lake Civic Association has always promoted conservation and the protection of Smith Lake which is one of Alabama's most precious assets; and

WHEREAS, the conservation efforts and accomplishment of the members of the Smith Lake Civic Association serves as a shining example for all citizens of Alabama to follow; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that we most highly commend and praise the members of the Smith Lake Civic Association for their accomplishments and further direct that a copy of this resolution be sent to the Smith Lake Civic Association as evidence of our admiration and esteem.

On motion of Rep. Waggoner, the rules were suspended and the resolution, H. J. R. 469, was adopted.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Reps.: Rains and Stout:

H. R. 470. COMMENDING MR. AND MRS. CHARLES CICERO LOWERY OF GERALDINE, ALABAMA, ON THEIR GOLDEN WEDDING ANNIVERSARY.

Also:

By Reps.: Rains and Stout:

H. R. 471. COMMENDING MR. AND MRS. WILLIAM OTTIS DENHAM OF FYFFE, ALABAMA, ON THEIR GOLDEN WEDDING ANNIVERSARY.

Also:

By Rep. Rogers:

H. R. 472. CONGRATULATING UAB SPECIAL STUDIES FOR A DECADE OF SERVICE.

Also:

The following resolution was introduced:

By Rep. Rogers:

H. J. R. 473. MOURNING THE DEATH OF MR. DAVID RIVERS.

WHEREAS, Mr. David Rivers served as Executive Director of the Fourth Avenue YMCA; and

WHEREAS, Mr. Rivers dedicated his whole life toward the betterment of youth; and

WHEREAS, Mr. David Rivers gave his life on behalf of youth throughout the City of Birmingham and the State of Alabama; and

WHEREAS, Mr. Rivers will be forever etched in our memories for his kindness towards his fellowman; and

WHEREAS, Mr. Rivers will continue to live on in perpetuality through his dedication to the youth of our great State; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn the death of a truly great citizen of this State and community.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to the Rivers family so that they may know of the warm regard in which his memory is held by this body.

On motion of Rep. Rogers, the rules were suspended and the resolution, H. J. R. 473, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Reps.: Box, Kvalheim, Gaston, Turner, Zoghby, Harper, Clikas, Buskey, Kennedy and Clark:

H. R. 474. CONGRATULATING THE HOME OF GRACE FOR WOMEN, INC., EIGHT MILE, ALABAMA, ON THE OCCASION OF THEIR TENTH ANNIVERSARY.

Also:

The following resolution was introduced:

By Rules Committee:

H. R. 475. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That the following business in the order named be made the special, paramount and continuing order of business beginning July 25, 1983, taking precedence over any other business of the House.

Report of Standing Committees

Introduction of Resolutions

Uncontested Local Bills

Unfinished Business

And the Following Bills:

By Mr. Teague:

S. 433 p. 54 Competitive bidding

By Mr. deGraffenried:

S. 532 p. 38 Alcohol blended fuel

By Mr. Smith (J):

S. 42 p. 76 Kindergarten bill

By Mr. Mitchem:

S. 189 p. 13 Legislative employees

By Mr. Parsons:

S. 278 p. 12 Law School programs

By Mr. Foshee:

S. 47 P. 7 Barber bill

By Mr. deGraffenried:

S. 140 p. 37 Corporate Business Act

By Mr. Aldridge:

S. 83 p. 14 State employees, moving expense

By Ms. Bedsole:

S. 226 p. 47 Nutritionists bill

By Mr. Smith (J):

S. 21 p. 63 Crimes, burglary & trespass

By Mr. Smith (J):

S. 158 p. 65 Discharging weapons, occupied dwelling

By Mr. Mitchem:

S. 388 p. 68 Change of venue

By Mr. Teague:

S. 175 p. 39 Military retirement

By Mr. Keener:

S. 348 p. 34 Disposition of exhibits

By Mr. Parsons:

S. 510 p. 68 Personal property

By Mr. Mitchell:

S. 555 p. 73 Industrial Dev. Authority

By Mr. Mitchell:

S. 556 p. 75 Cigarette tax

By Mr. Mitchell:

S. 446 p. 20 Annual inventory

By Mr. Mitchell:

S. 447 p. 21 Inventories

By Mr. Kirkland:

S. 312 p. 67 Restitution orders

By Mr. Barron:

S. 276 p. 47 Nonresident fishing licenses

By Mr. Proctor:

S. 297 p. 39 Mental Health Board

By Mr. Smith (J):

S. 298 p. 26 Controlled substances Act

By Mr. Menton:

S. 540 p. 68 County Administrators

By Mr. Covington:

S. 236 p. 42 American Legion Scholarships

By Mr. Dixon:

S. 248 p. 19 Insurance board

By Mr. Mitchell:

S. 279 p. 31 Election administrators

By Mr. Teague:

S. 251 p. 49 Voter registration

By Mr. Smith (J):

S. 450 p. 14 Homestead exemptions

By Mr. Menton:

S. 113 p. 11 Deceptive business practices

By Mr. Bailey:

S. 114 p. 11 Scale mechanics

By Mr. Kirkland:

S. 539 p. 48 Pooled drilling units

By Mr. Smith (J):

S. 505 p. 50 Ala. Economics Dev. Board

By Mr. Bailey:

S. 303 p. 10 Youth Services

By Mr. Covington:

S. 111 p. 42 17 year olds to donate blood

By Mr. Keener:

S. 228 p. 31 Security Officers

By Mr. Goodwin:

S. 211 p. 71 Controlled substances

On motion of Rep. Casey, the resolution, H. R. 475, was adopted.

REPORT OF THE STANDING COMMITTEE ON RULES

Rep. Casey, Chairman of the Standing Committee on Rules, reported that said Committee in session had acted on the following resolution and ordered same returned to the House with a favorable report:

H. J. R. 347. CREATING THE LEGISLATIVE JOINT INTERIM STUDY COMMITTEE FOR STANDARDIZING IN THE SOUTHEAST THE LEGAL AGE FOR THE CONSUMPTION OF ALCOHOLIC BEVERAGES.

AMENDMENT OFFERED

Rep. Starkey offered the following amendment to the resolution, H. J. R. 347:

Amend H. J. R. 347 on page 2, line 13 by removing the period (.) after the word "chairman" and adding not to exceed $7,000.

And the amendment was adopted.

And the resolution, H. J. R. 347, as amended, was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 729. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Hayden, in Blount County.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 847. To propose and provide for the submission of an amendment to the Constitution of Alabama authorizing the City of Tuskegee in Macon County to issue general obligation bonds in not exceeding $3,500,000 principal amount for the purpose of obtaining funds in such amount and contributing that amount to Tuskegee Institute to be used for the construction of "The Daniel 'Chappie' James Aerospace Memorial"; to provide that said bonds may be secured by a pledge of a sufficient amount of the 1¼% ad valorem tax authorized by Amendment 56 to said constitution to be levied by said city; to provide that none of said bonds shall be chargeable against the constitutional debt limit of said city, and to specify certain details pertaining to said bonds and to the issuance and sale thereof.

Also:

H. 849. Relating to Calhoun County; authorizing the county commission to levy an additional ½¢ sales tax paralleling the state sales tax provided for in Sections 40-23-1, 40-23-2, 40-23-3 and 40-23-4, Code of Alabama 1975, providing for the collection, distribution and use of the proceeds of such tax; providing for the enforcement of this act by the state department of revenue; prescribing penalties and fixing punishment for violation of this act; and to provide that the substantive provisions hereof must be

approved by the voters of the area in which the tax would be levied.

Also:

H. 857. To levy a finance charge or a tax of ten cents per acre to be assessed against lands located in Pickens County, Alabama, which are used for timber growing purposes, to provide protection against forest fires, insects, disease and other pests within Pickens County; to provide for a referendum on the question and prescribing the procedure for the collection of such assessments.

Also:

H. 860. Relating to Marshall County; to further regulate the appropriation and distribution of Tennessee Valley Authority funds paid in-lieu-of-taxes.

Also:

H. 861. To authorize the Marshall County Commission to provide protection of forests from fires, insects, disease and other pests within the county and to assess the whole or a part of the costs thereof, within a prescribed limit, against forest lands in the county and to prescribe the procedure for levying and collecting such assessments.

Also:

H. 862. To propose an amendment to the Constitution to provide that the legislature may, by local law, authorize the county governing body of Marshall County to further promote and provide forest fire protection within the county, assess in whole or part the cost thereof by levying a tax on lands other than on ad valorem basis; it prescribes the manner for levying, collecting and distributing such assessments.

Also:

H. 874. To alter, rearrange and extend the boundaries and corporate limits of the City of Columbiana, Alabama, so as to incorporate certain territory as described herein.

Also:

H. 885. To levy a finance charge or a tax of ten cents per acre to be assessed against lands located in Hale County, Alabama, which are used for timber growing purposes, to provide protection against forest fires within Hale County; to provide for a referendum on the question; and prescribing the procedure for the collection of such assessments.

Also:

H. 890. Relating to Houston County; to provide for an expense allowance for the members of the county board of education and to repeal certain conflicting laws.

Also:

H. 904. Relating to Marengo County, providing for the establishment of a consolidated and unified system of assessment and collection of taxes under the supervision of an elective county official designated as county revenue commissioner; prescribing the powers, duties, term of office and compensation of said county revenue commissioner, and providing for his election; abolishing the county offices of tax assessor and tax collector in Marengo County; repealing conflicting laws; providing for a referendum and

prescribing the effective date of this act.

Also:

H. 906. To propose an amendment to the Constitution of Alabama of 1901, to levy and collect an additional property tax within the Marengo County School District for public education purposes.

Also:

H. 916. Relating to Shelby County; providing further for the licensing of retailers of alcoholic beverages.

Also:

H. 692. To authorize the establishment of branch banks in Clarke County.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 817. Relating to Morgan County; permitting banks authorized to engage in the banking business and having an office or place of business in Morgan County to establish, maintain or operate branch banks and branch offices within the corporate limits of Flint, Alabama, for the conduct of a general banking and trust business.

Also:

H. 827. Relating to Bibb County; to provide further for the expense allowance for members of the board of education.

Also:

H. 828. Relating to Bibb County; to amend Section 1 of Act No. 81, H. 530, Regular Session 1977 (Acts 1977, p. 119), relating to the issuance of pistol permits by the sheriff, so as to increase the fees thereof.

Also:

H. 836. Relating to Macon County; providing that the members of the board of registrars shall be included in the county insurance program and providing retroactive effect.

Also:

H. 837. Relating to Macon County; to authorize the county governing body to pay an additional expense allowance to the circuit clerk in Macon County; and to give retroactive effect.

Also:

H. 838. Relating to Macon County; providing for an expense allowance for the coroner.

Also:

H. 841. Relating to Fayette County; providing a travel and subsistence expense allowance for the county superintendent of education; specifically

repealing Act No. 442, H. 842, 1947 Regular Session (Local Acts 1947, p. 300); and providing that this act shall become effective July 1, 1983.

Also:

H. 845. To propose and provide for the submission of an amendment to the Constitution of Alabama authorizing Macon County under certain conditions to issue general obligation bonds in not exceeding $3,500,000 principal amount for the purpose of obtaining funds in such amount and contributing that amount to Tuskegee Institute to be used for the construction of "The Daniel 'Chappie' James Aerospace Memorial"; to provide that said bonds may be secured by a pledge of a sufficient amount of the ¼ of 1% ad valorem tax authorized by Section 215 of said constitution to be levied by said county; to provide that none of said bonds shall be chargeable against the constitutional debt limit of said county; and to specify certain details pertaining to said bonds and to the issuance and sale thereof.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 859. Relating to the City of Prichard, Mobile County and the pension and retirement fund for such city; amending further Sections XII and XXII of Act No. 235, H. 290, of the 1963 Regular Session (Acts 1963, p. 636) as last amended, relating to the payment eligibility and the formula therefor of certain retirees, and persons who leave city service before retirement, so as to provide that all monies contributed by the member to such fund and increases for retirees.

Also:

H. 223. To propose an amendment to the Constitution of Alabama which, if approved by the electors of Jackson County, would authorize the Legislature, by general or local law, to provide for the establishment of fire districts within Jackson County; to provide fire fighting and prevention services and to authorize the levy and collection of certain taxes for the support of such districts.

Also:

H. 258. To alter or rearrange the boundary lines of the town of Cedar Bluff, Cherokee County, Alabama, so as to include within the corporate limits of said town all territory now within such corporate limits and also certain other territory contiguous thereto, in Cedar Bluff, Alabama.

Also:

H. 328. Relating to Shelby County; to provide further for the office of the county coroner; to prescribe an expense allowance for said coroner; to provide for a deputy county coroner; to prescribe salary and expense allowance for such deputy coroner and to provide for supplemental effect.

Also:

H. 443. Relating to Shelby County; authorizing and empowering the county commission to promulgate and implement rules and regulations including advance permit requirements for adequate control and accommoda-

tion of outdoor musical concerts and other outdoor entertainment productions to be held in those areas of the county situated outside of the municipal or town limits of any city or town in Shelby County and prescribing penalty for violation.

Also:

H. 482. Relating to Baldwin County; requiring a rotation system for wreckers, except as otherwise provided by municipal ordinance; prohibiting speeding, reckless driving, on-the-scene solicitation by wrecker drivers; prohibiting wreckers from going to the scene of a wreck unless called; prohibiting troopers or any other law enforcement officer in the county from displaying favoritism in calling wreckers; and establishing penalties.

Also:

H. 513. To promote the maintenance of Chilton County's natural beauty by eliminating unsightly and unhealthy litter; to provide for the dissemination in Chilton County of information pertaining to laws relative to littering and penalties therefor; to provide that certain identifiable litter constitutes prima facie evidence of littering by the person with whom it can be identified; to grant authority to the Chilton County Commission or other like governing body to establish and appoint, for the enforcement of littering laws in Chilton County, an agency and personnel empowered with the authority of peace officers as defined by state law for the primary purpose of enforcing littering laws and other laws relating to littering in Chilton County; to grant authority to the Chilton County Health Department to enforce littering laws in Chilton County, and to provide for a means to plea to the public to heed such laws and to help eliminate litter in such county.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 805. To exempt the 34th National Square Dance Convention from the payment of all state, county and municipal sales and use taxes.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 554. Relating to Lamar County; to provide that all members of the county commission shall serve on a full-time basis, effective upon the next term of office of any of said members; to regulate further the expense allowance of the members of the Lamar County Commission and giving retroactive effect to such expense allowances; and providing automatic termination of such expense allowances.

Also:

H. 655. To alter, or rearrange the boundary lines of the Town of Good

Hope, Cullman County, Alabama, so as to include within the corporate limits of said town all territory now within such corporate limits and also certain other territory contiguous thereto, in Cullman County, Alabama.

Also:

H. 677. Relating to Elmore County, to provide an expense allowance and mileage allowance to supplement the compensation of the county coroner.

Also:

H. 707. Relating to Clarke County; providing that the Clarke County Commissioners shall serve full time as such officers.

Also:

H. 753. Relating to Fayette and Lamar County; establishing a district legislative delegation office in such counties; providing for the operation of such office; and prescribing that the county governing body of each county shall pay a monthly expense allowance, from their respective county treasuries, to the house member representing such counties who shall maintain and account for a separate bank account for the operation of such office.

Also:

H. 803. Relating to Hale County, providing for the establishment of a consolidated and unified system of assessment and collection of taxes under the supervision of an elective county official designated as county revenue commissioner; prescribing the powers, duties, term of office and compensation of said county revenue commissioner, and providing for his election; abolishing the county offices of tax assessor and tax collector in Hale County; repealing conflicting laws; and prescribing the effective date of this act.

McDOWELL LEE,
Secretary.

SPECIAL ORDER

The House then proceeded with the consideration of the uncontested local bills on the Special Order Calendar.

And the bill:

S. 503. Relating to Dekalb County; providing further for the costs and charges in all district court cases and providing for the establishment of a juvenile probation fund in the county.

Was read a third time at length and passed.

Yeas 33; Nays 0.

Yeas:

Mr. Speaker, Ashley, Bennett, Blakeney, Box, Brakefield, Brooks, Buskey, Butler, Coburn, Dutton, Faulk, Gaston, Goodwin, Grouby, Junkins, Kennedy, Lauderdale, Layton, McMillan, Minus, Newman, Nicholson, Owens, Parker, Penry, Rains, Smith, Starkey, Starr, Turner, Turnham and Zoghby.

—33

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 537. Relating to Calhoun County; authorizing the county commission to levy an additional ½¢ sales tax paralleling the state sales tax provided for in Sections 40-23-1, 40-23-2, 40-23-3 and 40-23-4, Code of Alabama 1975, providing for the collection, distribution and use of the proceeds of such tax; providing for the enforcement of this act by the state department of revenue; prescribing penalties and fixing punishment for violation of this act; and to provide that the substantive provisions hereof must be approved by the voters of the area in which the tax would be levied.

Was read a third time at length and passed.

Yeas 37; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Blake, Blakeney, Box, Brakefield, Brooks, Browder, Butler, Campbell, Casey, Coburn, Coleman, Cosby, Crow, Faulk, Gaston, Goodwin, Hettinger, Junkins, Kennedy, Lauderdale, Layton, Newman, Owens, Parker, Penry, Poole, Preuitt, Sasser, Smith, Turnham, Venable, White (L) and Zoghby.

—37

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 550. Relating to Pickens County; prohibiting the possession of alcoholic liquors and beverages as provided for by Article IV, Section 104 of the Constitution of Alabama of 1901; providing for exceptions; and providing penalties for violations.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Reps.: Albright, Ashley, Bennett, Blakeney, Brakefield, Brooks, Bryant, Butler, Gaston, Goodwin, Hammett, Hettinger, Junkins, Layton, Mitchell, Newman, Owens, Parker, Penry, Poole, Rains, Richardson, Smith and Venable.

—24

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 549. Relating to Pickens County; to provide for the time intervals in which elections may be held as to the question of whether to allow or to prohibit the manufacture and sale of wine, alcoholic liquor or beverages as provided for by Article IV, Section 104 of the Constitution of Alabama of 1901.

Was read a third time at length and passed.

Yeas 28; Nays 0.

Yeas:

Reps.: Ashley, Bennett, Blakeney, Brakefield, Brooks, Butler, Carter, Casey, Cosby, Gaston, Goodwin, Holmes, Kennedy, Lauderdale, McMillan, Mitchell, Newman, Parker, Penry, Poole, Rains, Reed, Richardson, Seibels, Smith, Starkey, White (L) and Zoghby.

—28

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 548. Relating to Escambia County; providing further for the compensation of supernumerary circuit clerks; providing for an expense allowance for such supernumerary officials and allocating the amount payable from the county general fund.

Was read a third time at length and passed.

Yeas 38; Nays 0.

Yeas:

Mr. Speaker, Ashley, Bennett, Blakeney, Box, Brakefield, Brooks, Bryant, Buskey, Butler, Casey, Clark, Cosby, Faulk, Gaston, Goodwin, Grouby, Junkins, Kennedy, Kvalheim, Lauderdale, McKee, McMillan, Minus, Newman, Parker, Penry, Poole, Reed, Smith, Starkey, Starr, Waggoner, Warren, White (F), White (L), Wilson and Zoghby.

—38

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 546. Relating to Limestone County; prohibiting residents of the City of Athens from voting in the election of the county superintendent and county board of education; and the provisions of this act shall be subject to an advisory referendum with the qualified electors voting thereon.

Was read a third time at length and passed.

Yeas 36; Nays 0.

Yeas:

Mr. Speaker, Ashley, Bennett, Blakeney, Brakefield, Brooks, Bryant, Butler, Carter, Casey, Cosby, Gaston, Goodwin, Junkins, Kennedy, Kvalheim, Langford, Lauderdale, Layton, McKee, McMillan, Minus, Mitchell, Newman, Parker, Poole, Preuitt, Rains, Smith, Starkey, Starr, Trammell, Turnham, Waggoner, Wilson and Zoghby.

—36

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 544 To establish service territories for electric suppliers in and around Tarrant City, Jefferson County, Alabama; to declare that it is the policy of the State of Alabama to ensure effective, economical and orderly supply of electric service at retail to customers in and around Tarrant City and to avoid unnecessary duplication of facilities by electric suppliers for the furnishing of retail electric service; to provide procedures for eliminating or reducing the potential for duplication of electric distribution facilities in and around Tarrant City by adopting and mandating that the procedures for elimination and prevention of the duplication of electric distribution facilities set forth in that certain agreement between Tarrant City and Alabama Power Company dated June 8, 1983 shall be the law of this State.

Was read a third time at length and passed.

Yeas 41; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Blakeney, Brakefield, Brooks, Bryant, Butler, Campbell, Carter, Faulk, Gaston, Goodwin, Grouby, Kennedy, Kvalheim, Lauderdale, Layton, McKee, McMillan, Manley, Minus, Mitchell, Moore, Murphy, Newman, Parker, Poole, Preuitt, Rains, Scott, Smith, Starkey, Starr, Turnham, Waggoner, Warren, White (F) and Zoghby.

—41

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 506. To authorize the City of Prichard, Mobile County, Alabama, to establish an Enterprise Zone in the area of pervasive poverty, unemployment and economic distress and to carry out programs to encourage private investment and to create jobs in such area, and to authorize agencies of such city, the county governing body and state and county agencies to carry out similar programs in such Enterprise Zone, including, but not limited to, reduction of tax rates, license rates and fees, improvement of public services and reduction and modification of regulatory requirements within such zone, and to provide other services and to modify other requirements as

may be necessary or desirable to qualify for financial assistance to such city or private entities within such zone under any Act of the Congress of the United States heretofore or hereafter enacted.

Was read a third time at length and passed.

Yeas 51; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Blake, Blakeney, Box, Brakefield, Brooks, Browder, Buskey, Butler, Campbell, Carter, Casey, Clark, Coburn, Coleman, Cosby, Drinkard, Faulk, Flowers, Ford, Gaston, Goodwin, Grouby, Holley, Johnson (Roy), Junkins, Kennedy, Kvalheim, Lauderdale, McKee, McMillan, Minus, Newman, Parker, Penry, Poole, Rains, Seibels, Smith, Starkey, Starr, Stout, Thomas, Turner, Turnham, Venable, Warren, White (F) and Zoghby.

—51

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 480. Relating to Mobile County; requiring that twenty percent of the teacher units now allocated for the instruction of Exceptional Children in Mobile County be allocated for the gifted child.

Was read a third time at length and passed.

Yeas 53; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Biddle, Blake, Blakeney, Box, Brakefield, Brooks, Buskey, Butler, Campbell, Carter, Clikas, Coburn, Coleman, Drinkard, Faulk, Flowers, Ford, Gaston, Goodwin, Grouby, Hammett, Holley, Johnson (R.G.), Johnson (Roy), Kennedy, Kvalheim, Langford, Lauderdale, McKee, McMillan, Minus, Mitchell, Moore, Newman, Parker, Penry, Poole, Preuitt, Rains, Smith, Starkey, Starr, Stout, Turnham, Venable, Warren, White (F), Wilson and Zoghby.

—53

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Albright, the rules were suspended in order to take up out of order the bill, S. 554.

Yeas 6; Nays 1.

Yeas:

Reps.: Albright, Brooks, Butler, Campbell, Hettinger and Rains.

—6

Nay: Rep. Hall. —1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the

Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 554. To authorize the governing body of the City of Huntsville in Madison County to regulate and permit the sale and consumption of alcoholic beverages upon the licensed premises of licensees of the Alabama Alcoholic Control Board and licensees of the City of Huntsville on Sunday; to provide that the provisions of this act are cumulative, and that the act shall not be held to repeal any other general or special act; and to provide an effective date for this act.

Was taken up.

AMENDMENT OFFERED

Rep. Hall offered the following amendment #1 to the bill, S. 554:

Amend S. B. 554, Section 3, line 31, by deleting said Section 3 and inserting in lieu thereof the following:

Section 3. This act shall be inoperative and void unless it shall have been approved by a majority of the qualified electors of Madison County who vote thereon at a referendum election held for such purpose. The election shall be held and conducted as nearly as may be in the same way as elections on amendments to the Constitution, and shall be held on the same day as the next general election following final passage of this act. Notice of the election shall be given by the judge of probate of Madison County, which notice shall be published once a week for three successive weeks before the day of the election. On the ballots to be used at the election, the proposition to be voted on shall be stated substantially as follows:

"Do you favor the local law authorizing the governing body of the City of Huntsville to regulate and permit the sale and consumption of alcoholic beverages on Sunday upon the licensed premises of licensees of the Alcoholic Beverage Control Board of the State of Alabama and of the City of Huntsville? Yes ____ No ____ ." If a majority of the votes cast at the election are affirmative votes, this act shall be in full force and effect immediately thereafter. If a majority of the votes cast are in the negative, the act shall have no further effect. The judge of probate of Madison County shall certify the results of the election to the Secretary of State and to the Director of the Alcoholic Beverage Control Board immediately after the returns have been certified.

AMENDMENT TABLED

On motion of Rep. Albright, the amendment #1 offered by Rep. Hall to the bill, S. 554, was tabled.

Yeas 5; Nays 1.

Yeas: Reps.: Albright, Brooks, Butler, Freeman and Hettinger. —5

Nay: Rep. Hall. —1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

AMENDMENT OFFERED

Rep. Hall offered the following amendment #2 to the bill, S. 554:

Amend S. B. 554, Section 3, line 31, by deleting said Section 3 and inserting in lieu thereof the following:

Section 3. This act shall be inoperative and void unless it shall have been approved by seventy-five percent of the qualified electors of Madison County who vote thereon at a referendum election held for such purpose. The election shall be held and conducted as nearly as may be in the same way as elections on amendments to the Constitution, and shall be held on the same day as the next general election following final passage of this act. Notice of the election shall be given by the judge of probate of Madison County, which notice shall be published once a week for three successive weeks before the day of the election. On the ballots to be used at the election, the proposition to be voted on shall be stated substantially as follows:

"Do you favor the local law authorizing the governing body of the City of Huntsville to regulate and permit the sale and consumption of alcoholic beverages on Sunday upon the licensed premises of licensees of the Alcoholic Beverage Control Board of the State of Alabama and of the City of Huntsville? Yes ____ No ____." If seventy-five percent of the votes cast at the election are affirmative votes, this act shall be in full force and effect immediately thereafter. If not, the act shall have no further effect. The judge of probate of Madison County shall certify the results of the election to the Secretary of State and to the Director of the Alcoholic Beverage Control Board immediately after the returns have been certified.

AMENDMENT TABLED

On motion of Rep. Hettinger, the amendment #2 offered by Rep. Hall to the bill, H. 554, was tabled.

Yeas 5; Nays 1.

Yeas: Reps.: Albright, Brooks, Butler, Freeman and Hettinger. —5

Nay: Rep. Hall. —1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

AMENDMENT OFFERED

Rep. Hall offered the following amendment #3 to the bill, S. 554:

On page 1, line 35, add the following Section 4:

Section 4. Provided further, that no alcoholic beverages can be sold on Sunday within five miles of any church service or church activity.

AMENDMENT TABLED

On motion of Rep. Hettinger, the amendment #3 offered by Rep. Hall to the bill, S. 554, was tabled.

Yeas 4; Nays 2.

Yeas: Reps.: Albright, Brooks, Butler and Freeman. —4

Nays: Reps.: Hall and Hettinger. —2

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

AMENDMENT OFFERED

Rep. Hall offered the following amendment #4 to the bill, S. 554:

In the title, page 1, line 11, and in Section 1, page 1, lines 20 and 21, delete the words "alcoholic beverages" and substitute therefor the word:

beer

AMENDMENT TABLED

On motion of Rep. Hettinger, the amendment #4 offered by Rep. Hall to the bill, S. 554, was tabled.

Yeas 5; Nays 1.

Yeas: Reps.: Albright, Brooks, Butler, Freeman and Hettinger. —5

Nays: Rep. Hall. —1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

AMENDMENT OFFERED

Rep. Hall offered the following amendment #5 to the bill, S. 554:

On line 35 add the following new Section 4:

Section 4. The proceeds of all Sunday sale of alcoholic beverages shall be distributed 50% to the county school system and 50% to the city school system.

AMENDMENT TABLED

On motion of Rep. Hettinger, the amendment #5 offered by Rep. Hall to the bill, S. 554, was tabled.

Yeas 5; Nays 1.

Yeas: Reps.: Albright, Brooks, Butler, Freeman and Hettinger. —5

Nay: Rep. Hall. —1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

AMENDMENT OFFERED

Rep. Hall offered the following amendment #6 to the bill, S. 554:

Delete Section 3 entirely on page 1, lines 31, 32 and 33 and substitute the following in lieu thereof:

Section 3. The provisions of this act shall become effective October 1, 1999.

AMENDMENT TABLED

On motion of Rep. Hettinger, the amendment #6 offered by Rep. Hall to the bill, S. 554, was tabled.

Yeas 5; Nays 1.

Yeas: Reps.: Albright, Brooks, Butler, Freeman and Hettinger. —5

Nay: Rep. Hall. —1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, S. 554, was read a third time at length and passed.

Yeas 5; Nays 1.

Yeas: Reps.: Albright, Brooks, Butler, Freeman and Hettinger. —5

Nay: Rep. Hall. —1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 547. Relating to Lee County, providing further for the registration fees on mobile homes; providing further for the distribution of such fees; providing for an effective date; and repealing Act No. 481, H. 1193, 1976 Regular Session (Acts 1976, p. 597).

Was read a third time at length and passed.

Yeas 14; Nays 2.

Yeas:

Reps.: Albright, Blakeney, Brooks, Butler, Carter, Hettinger, Johnson (A.L.), Kennedy, Parker, Penry, Rice, Turnham, Williams and Zoghby.

—14

Nays: Reps.: Hall and Lauderdale. —2

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Hettinger, the rules were suspended in order to take up out of order the bill, S. 552.

Yeas 5; Nays 1.

Yeas: Reps.: Albright, Brooks, Butler, Freeman and Hettinger. —5

Nay: Rep. Hall. —1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 552. To approve the proposal of the governing body of the City of Huntsville and the Board of Education of the City of Huntsville, relating to the special school taxes heretofore levied pursuant to Amendment No. 305 of the Constitution of Alabama of 1901, that the rate of said special school taxes be increased above the limit provided by said Amendment No. 305 so as to increase the total rate of ad valorem taxes to be levied and collected pursuant to Amendment No. 305 by 65¢ on each one hundred dollars worth of taxable property (6½ mills), making the total levy pursuant to Amendment No. 305, 11½ mills; providing for an election by the qualified electors of the city of Huntsville at a special election called and held in accordance with law governing special elections; and providing for an effective date for this Act.

Was taken up.

AMENDMENT OFFERED

Rep. Hall offered the following amendment to the bill, S. 552:

On page 2 on lines 25 through 27 delete Section 4 in its entirety and substitute in lieu thereof:

Section 4. This act shall become effective at such time as the local sales tax levied by the City of Huntsville drops below 3 cents on each one dollar of taxable items.

AMENDMENT TABLED

On motion of Rep. Hettinger, the amendment offered by Rep. Hall to the bill, S. 552, was tabled.

Yeas 5; Nays 1.

Yeas: Reps.: Albright, Brooks, Butler, Freeman and Hettinger. —5

Nay: Rep. Hall. —1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, S. 552, was read a third time at length and passed.

Yeas 5; Nays 1.

Yeas: Reps.: Albright, Brooks, Butler, Freeman and Hettinger. —5

Nay: Rep. Hall. —1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 377. Relating to Mobile County; providing that the operation of bingo games for prizes or money only by qualified organizations for bona fide charitable, educational, or other lawful purposes shall be legal in Mobile County; providing for permits or licenses, applications, forms and contents to operate bingo, providing for special permits or licenses, prohibiting certain activities and imposing special requirements; providing for fees and expenses; providing for the disposition of proceeds; providing for the operation of bingo; providing for the keeping of records and their inspection; providing for the issuance and revocation of permits or licenses; providing for supervision by the circuit court; providing for certain powers and duties of the sheriff; providing for penalties and forfeitures; and providing that this Act shall become effective upon the adoption of an amendment to the Constitution of Alabama authorizing bingo in Mobile County, and approved at a referendum on the subject in the county; provided, however, if said amendment is approved by a majority of the voters casting ballots thereon in Mobile County, no further referendum is needed.

Was taken up.

AMENDMENT OFFERED

Rep. Clark offered the following amendment to the bill, S. 377:

On page one in line 16 after the semicolon add the following:

grandfathering in certain non-profit organizations which have had public bingo games over a certain period and proposing a location for any future bingo or other gaming operations.

On page 3 in line 8 after "county" add:

only in that area commonly referred to as "the Mobile Causeway"

On page 10 after line 26 add the following new Section 19 and renumber subsequent sections accordingly as follows:

Section 19. Any non-profit organization which is charitable, educational or otherwise lawful which has publicly operated bingo games on a weekly or monthly basis for three or more years prior to the ratification of a constitutional amendment authorizing bingo within Mobile County shall be exempt from complying with the provisions of this act but shall be considered lawful wherever located and all past actions are hereby ratified and approved.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 14; Nays 1.

Yeas:

Reps.: Brooks, Buskey, Butler, Clark, Clikas, Coleman, Gaston, Harper, Holmes, Kennedy, Kvalheim, Newman, Turner and Zoghby.

—14

Nay: Rep. Box. —1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, S. 377, as amended, was read a third time at length and passed.

Yeas 13; Nays 2.

Yeas:

Reps.: Box, Brooks, Buskey, Butler, Clark, Clikas, Harper, Holmes, Kennedy, Kvalheim, Rains, Seibels and Zoghby.

—13

Nays: Reps.: Gaston and Turner. —2

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 378. To propose an amendment to the Constitution of Alabama of 1901, to legalize the operation of bingo games for prizes or money by certain nonprofit organizations for charitable or educational purposes in Mobile County; and to provide that the provisions of this amendment shall be self-executing.

Was read a third time at length and passed.

Yeas 66: Nays 4.

Yeas:

Reps.: Ashley, Bennett, Biddle, Blake, Boles, Box, Browder, Bryant, Buskey, Butler, Carothers, Casey, Clark, Clikas, Coleman, Cosby, Davis, Drinkard, Flowers, Ford, Goodwin, Grimsley, Hall, Harper, Hettinger, Holmes, Horn, Howard, Johnson (Roy), Junkins, Kennedy, Kvalheim, Langford, Layton, Lewis, McMillan, Manley, Martin, Mathis, Melton, Minus, Moore, Murphy, Nevett, Newman, Nicholson, Payne, Rains, Reed, Rice, Richardson, Rogers, Scott, Seibels, Starkey, Starr, Stout, Thomas, Thornton, Turnham, Waggoner, White (F), White (L), Williams, Wright and Zoghby.

—66

Nays: Reps.: Gaston, Holley, Smith and Turner. —4

REPORT OF THE STANDING COMMITTEE ON RULES

Rep. Casey, Chairman of the Standing Committee on Rules, reported that said Committee in session had acted on the following resolution and ordered same returned to the House with a favorable report:

H. J. R. 441. CONTINUING AND REORGANIZING THE INTERIM COMMITTEE ON MUNICIPAL GOVERNMENT.

On motion of Rep. Starr, the resolution, H. J. R. 441, was adopted.

REPORT OF COMMITTEE ON CONFERENCE ON HOUSE BILL 264

The Committee of Conferees shall report substantially as follows:

We, the Committee of Conferees appointed to reconcile the difference between the two Houses concerning House Bill 264, as substituted, have met, considered the matter, and agreed to the following:

Substitute for H. B. 264, as last substituted is attached.

DUANE LEWIS,
CHARLES LANGFORD,
PAUL PARKER,
Conferees of the House.
BILL SMITH,
LOWELL BARRON,
FOY COVINGTON,
Conferees of the Senate.

A BILL
TO BE ENTITLED
AN ACT

To amend Sections 32-5-192, 32-5A-191, 32-5A-192, 32-6-19, and 11-45-9, Code of Alabama 1975, relating to offenses and penalties for refusal to submit to a chemical test under 32-5-192 (Implied Consent); to generally increase the penalties and other sanctions for violation of 32-5A-191 (DUI); to clarify the penalty for violation of 32-5A-192 relating to Homicide by Vehicle; to generally increase the penalty for violation of Section 32-6-19 relating to Driving While Revoked; and to allow municipal courts to enforce increased penalties under 32-5A-191 (DUI) by amending 11-45-9, and to provide that any person arrested for violating the provisions of this act shall not be released from jail under bond or otherwise, until there is less than the same percent by weight of alcohol in his blood as specified in Section 32-5A-191(a)(1).

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 32-5-192, 32-5A-191, 32-5A-192, 32-6-19 and 11-45-9, Code of Alabama 1975, are hereby amended to read as follows:

"§ 32-5-192. (a) Any person who operates a motor vehicle upon the public highways of this state shall be deemed to have given his consent, subject to the provisions of this division, to a chemical test or tests of his blood, breath or urine for the purpose of determining the alcoholic content of his blood if lawfully arrested for any offense arising out of acts alleged to

have been committed while the person was driving a motor vehicle on the public highways of this state while under the influence of intoxicating liquor. The test or tests shall be administered at the direction of a law enforcement officer having reasonable grounds to believe the person to have been driving a motor vehicle upon the public highways of this state while under the influence of intoxicating liquor. The law enforcement agency by which such officer is employed shall designate which of the aforesaid tests shall be administered. Such person shall be told that his failure to submit to such a chemical test will result in the suspension of his privilege to operate a motor vehicle for a period of 45 90 days; provided if such person objects to a blood test, the law enforcement agency shall designate that one of the other aforesaid tests be administered.

"(b) Any person who is dead, unconscious or who is otherwise in a condition rendering him incapable of refusal, shall be deemed not to have withdrawn the consent provided by subsection (a) of this section and the tests or tests may be administered, subject to the provisions of this division.

"(c) If a person under arrest refuses upon the request of a law enforcement officer to submit to a chemical test designated by the law enforcement agency as provided in subsection (a) of this section, none shall be given, but the director of public safety, upon the receipt of a sworn report of the law enforcement officer that he had reasonable grounds to believe the arrested person had been driving a motor vehicle upon the public highways of this state while under the influence of intoxicating liquor and that the person had refused to submit to the test upon the request of the law enforcement officer, shall, on the first refusal, suspend his license or permit to drive, or the privilege of driving a motor vehicle on the highways of this state given to a nonresident;, or if the person is a resident without a license or permit to operate a motor vehicle in this state, the director shall deny to the person the issuance of a license or permit, for a period of 45 90 days, subject to review as hereinafter provided. For a second or subsequent refusal of such test within a 5-year period, the director, upon said receipt of a sworn report, shall suspend his license or permit to drive, or the privilege of driving a motor vehicle on the highways of this state given to a nonresident for a period of one year; or if the person is a resident without a license or permit to operate a motor vehicle in this state, the director shall deny to the person the issuance of a license or permit, for a period of one year subject to review as hereinafter provided. If such person is acquitted on the charge of driving a motor vehicle upon the highways of this state while under the influence of intoxicating liquor, then in that event the director of public safety may, in his discretion, reduce said period of suspension.

"(d) Upon suspending the license or permit to drive or the privilege of driving a motor vehicle on the highways of this state given to a nonresident or any person, or upon determining that the issuance of a license or permit shall be denied to the person, as hereinbefore in this section directed, the director of public safety or his duly authorized agent shall immediately notify the person in writing and upon his request shall afford him an opportunity for a hearing in the same manner and under the same conditions as is provided in section 32-6-16, for notification and hearings in the cases of suspension of licenses; except, that the scope of such hearing for the purposes of this section shall cover the issues of whether a law enforcement officer had reasonable grounds to believe the person had been driving a motor vehicle upon the public highways of this state while under the influence of intoxicating liquor, whether the person was placed under arrest, and whether he refused to submit to the test upon request of the officer. Whether the person was informed that his privilege to drive would be sus-

pended or denied if he refused to submit to the test shall not be an issue. The director of public safety shall order that the suspension or determination that there should be a denial of issuance either be rescinded or sustained.

"(e) If the suspension or determination that there should be a denial of issuance is sustained by the director of public safety or his authorized agent upon such hearing, the person whose license or permit to drive or nonresident operating privilege has been suspended or to whom a license or permit is denied, under the provisions of this section, shall have the right to file a petition in the appropriate court to review the final order of suspension or denial by the director or his duly authorized agent in the same manner and under the same conditions as is provided in section 32-6-16 in the case of suspensions and denials.

"(f) When it has been finally determined under the procedures of this section that a nonresident's privilege to operate a motor vehicle in this state has been suspended the director shall give information in writing of the action taken to the motor vehicle administrator of the state of the person's residence and of any state in which he has a license.

"§ 32-5A-191. (a) a person shall not drive or be in actual physical control of any vehicle while:

"(1) There is 0.10 percent or more by weight of alcohol in his blood;

"(2) Under the influence of alcohol;

"(3) Under the influence of a controlled substance to a degree which renders him incapable of safely driving; ~~or~~

"(4) Under the combined influence of alcohol and a controlled substance to a degree which renders him incapable of safely driving; or

"(5) Under the influence of any substance which impairs the mental or physical faculties of such person to a degree which renders him incapable of safely driving.

"(b) The fact that any person charged with violating this section is or has been legally entitled to use alcohol or a controlled substance shall not constitute a defense against any charge of violating this section.p] "(c) Upon first conviction, a person violating this section shall be punished by imprisonment in the county or municipal jail for not more that one year, or by fine of not less than $100.00 ~~-$250.00~~ nor more than $1,000.00, or by both such fine and imprisonment. In addition, on a first conviction, ~~the court trying the cause may prohibit the person so convicted from driving a motor vehicle upon the highways of this state for a period of not more than six months.~~ the director of public safety shall suspend the driving privilege or driver's license of the person so convicted for a period of ninety (90) days. First time offenders convicted of driving while under the influence of alcohol shall also be required to complete a DUI court referral program approved by the state administrative office of courts. Neither reckless driving nor any other traffic infraction is a lesser included offense under a charge of driving while under the influence of alcohol or controlled substances.

"(d) ~~On a second or subsequent conviction within a five year period, the person convicted of violating this section shall be punished by a fine of not less than $200.00 nor more than $1,500.00 or by imprisonment in the county or municipal jail for not more than one year, or by both such fine and im-~~

~~prisonment. In addition, the director of public safety shall revoke the driving privilege or driver's license of the person so convicted for a period of six months.~~

"(d) On a second conviction within a five-year period, the person convicted of violating this section shall be punished by a fine of not less than $500.00 nor more than $2,500.00 and by imprisonment, which may include hard labor in the county or municipal jail for not more than one year. Said sentence to include a mandatory sentence which is not subject to suspension or probation of imprisonment in the county or municipal jail for not less than forty-eight consecutive hours or community service for not less than twenty days. In addition the director of public safety shall revoke the driving privileges or driver's license of the person so convicted for a period of one year.

"(e) On a third or subsequent conviction within a five-year period, the person convicted of violating this section shall be punished by a fine of not less than $1,000.00 nor more than $5,000.00 and by imprisonment, which may include hard labor, in the county or municipal jail for not less than sixty (60) days nor more than one year, to include a minimum of 60 days which shall be served in the county or municipal jail and which cannot be probated or suspended. In addition, the director of public safety shall revoke the driving privilege or driver's license of the person so convicted for a period of three years.

"~~(e)~~ (f) All fines collected for violation of this section resulting from arrests by state officers shall be paid into the state general fund; all fines so collected for violations resulting from arrests by county or municipal officers shall be disbursed as is otherwise provided for by law.

"(g) A person who has been arrested for violating the provisions of this act shall not be released from jail under bond or otherwise, until there is less than the same percent by weight of alcohol in his blood as specified in subsection (a)(1) hereof.

"§ 32-6-19.

"Any person whose driver's or chauffeur's license issued in this or another state or whose driving privilege as a nonresident has been cancelled, suspended or revoked as provided in this article and who drives any motor vehicle upon the highways of this state while such license or privilege is cancelled, suspended or revoked shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than ~~$25.00~~ $100.00 nor more than $500.00, and in addition thereto may be imprisoned for not more than 30 180 days. Also, at the discretion of the director of public safety, such person's license may be revoked for an additional revocation period of six months.

"§ 32-5A-192.

"(a) Whoever shall unlawfully and unintentionally cause the death of another person while engaged in the violation of any state law or municipal ordinance applying to the operation or use of a vehicle or to the regulation of traffic shall be guilty of homicide when such violation is the proximate cause of said death.

"(b) Any person convicted of homicide by vehicle shall be fined not less than $500.00 nor more than $2,000.00, or shall be imprisoned ~~in the county jail not less than three months nor more than one year, or may be so fined and so imprisoned, or shall be imprisoned in the penitentiary~~ for a term not

less than one year nor more than five years, or may be so fined and so imprisoned.

"§ 11-45-9.

"(a) Municipal ordinances may provide penalties of fines, imprisonment, hard labor or one or more of such penalties for violation of ordinances.

"(b) No fine shall exceed $500.00, and no sentence of imprisonment or hard labor shall exceed six months except, when in the enforcement of the penalties prescribed in section 32-5A-191, such fine shall not exceed $5,000.00 and such sentence of imprisonment or hard labor shall not exceed one year.

"(c) The penalty imposed upon a corporation shall consist of the fine only, plus costs of court."

Section 2. The provisions of this act are supplemental to other laws not inconsistent with this act, and such other laws shall not be deemed to be repealed by this act.

Section 3. This act applies to conduct occurring after its effective date. Conduct occurring before the effective date of this act shall be governed by pre-existing law.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This act shall become effective immediately upon its approval by the Governor or upon its otherwise becoming a law.

CONFERENCE COMMITTEE REPORT ADOPTED

On motion of Rep. Lewis, the House concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the Senate amendment to the bill, H. 264, said report being set out in the above and foregoing Report of the Committee on Conference.

Yeas 81; Nays 0.

Yeas:

Mr. Speaker, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brooks, Browder, Bryant, Butler, Campbell, Carothers, Carter, Clikas, Coleman, Cosby, Davis, Drinkard, Dutton, Faulk, Flowers, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Holley, Horn, Howard, Johnson (R.G.), Johnson (Roy), Junkins, Kvalheim, Langford, Lauderdale, Layton, Lewis, McMillan, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Parker, Payne, Penry, Poole, Rains, Reed, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thornton, Trammell, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

—81

And the bill:

H. 264. To amend Sections 32-5-192, 32-5A-191, 32-5A-192, 32-6-19, and 11-45-9, Code of Alabama 1975, relating to offenses and penalties for refusal to submit to a chemical test under 32-5-192 (Implied Consent); to

generally increase the penalties and other sanctions for violation of 32-5A-191 (DUI); to clarify the penalty for violation of 32-5A-192 relating to Homicide by Vehicle; to generally increase the penalty for violation of Section 32-6-19 relating to Driving While Revoked; and to allow municipal courts to enforce increased penalties under 32-5A-191 (DUI) by amending 11-45-9.

As amended by the Report of the Committee on Conference, was again read at length and passed.

Yeas 92; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Dutton, Faulk, Flowers, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Langford, Lauderdale, Layton, Lewis, McMillan, Mathis, Melton, Minus, Mitchell, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Reed, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

—92

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 102. Relating to Tuscaloosa County, to repeal, in part, Act 613, H. 1289, 1977 Regular Session, (Acts of 1977, p. 922) a population based bill for Tuscaloosa County relating to voter registration, specifically repealing Section 11 pertaining to the voter signature book and Section 12 pertaining to the suspension of registration.

Also:

H. 111. Relating to Choctaw County, to authorize the sheriff to sell at public auction certain types of confiscated property in circumstances not provided in the general laws of the state, including specifically, without limitation, Chapter 12 of Title 35; Section 20-2-93; and Title 28 of the Code of Alabama 1975.

Also:

H. 183. Relating to Mobile County; to provide for the allocation of up to twenty percent (20%) of the proceeds of ad valorem tax funds levied and collected in accordance with the terms of Act No. 319, H. 593, Regular Session 1976 (Acts 1976, p. 353), by the Mobile County Board of Health for general health purposes.

Also:

H. 184. Relating to the City of Citronelle, in Mobile County; providing further for any tax revenues received by Citronelle, pursuant to Act No. 82-

427, H. 221, Regular Session 1982 (Acts, 1982, p. 675), relating to the distribution of certain alcoholic beverage tax revenues to counties and municipalities, so as to prescribe that all such funds in Citronelle be disbursed to the Citronelle Historical Society and make the provisions retroactive to January 1, 1983.

Also:

H. 218. Relating to Jackson County; providing for the establishment of a consolidated and unified system for assessment and collection of taxes, under the supervision of an elected county official designated as county revenue commissioner; providing for the compensation of such official; repealing conflicting laws; and providing for a referendum.

Also:

H. 220. To amend Act 79-473, Regular Session 1979, as amended by Act 80-558 of the Regular Session 1980 (Acts 1980, p. 867), which pertains to the distribution of Tennessee Valley Authority payments in lieu of taxes to Jackson County, so as to provide that a portion of such payments shall be used to provide for a legislative office for the members of the state legislative delegation serving Jackson County.

Also:

H. 221. Relating to Jackson County; amending Section 2 of Act No. 79-349, H. 761, 1979 Regular Session (Acts 1979, p. 562), relating to the distribution of the use of coal severance tax in the county collected pursuant to said act, so as to further provide therefor.

Also:

H. 237. To make appropriations for the support and maintenance of the Walker County Junior College.

Also:

H. 238. To make appropriations for the support and maintenance of the Tuskegee Institute.

Also:

H. 239. To make appropriations for the support and maintenance of the Talladega College.

Also:

H. 240. To make appropriations for the support and maintenance of the Marion Military Institute.

Also:

H. 241. To make appropriations for the support and maintenance of the Lyman Ward Military Academy.

Also:

H. 316. Relating to Jackson County; to authorize the Jackson County Commission to fix a county fire protection tax of 2 mills on certain taxable real estate in Jackson County, excluding row crops and pasture lands; to authorize the Jackson County Commission to appoint the president of the Jackson County Association of Volunteer Fire Departments to the office of fire marshal of Jackson County; to authorize the Jackson County Commission to spend the fire protection tax funds through requisition presented by

the fire marshal of Jackson County; to authorize the Jackson County Commission to adopt a county fire code; to authorize the Jackson County Association of Volunteer Fire Departments to establish fire districts in the geographical boundaries of Jackson County; and to exclude from fire districts any corporate municipality which does not request through resolution by its governing body to be made a part of and subject to the provisions of this act.

Also:

H. 410. Relating to Calhoun County; amending Section 9 of Act No. 154, H. 746, of the 1965 Regular Session, which created the office of commissioner of licenses in certain counties classified on a population basis, so as to provide further for fees collected for issuing motor vehicle license tags by mail.

Also:

H. 507. Relating to Lee County; to provide further for the election of the members of the county board of education.

Also:

H. 511. Relating to Lee County; to legalize the sale of draft or keg beer or malt beverages.

And finds same correctly enrolled.

JOHN S. CASEY,
Chairman.

SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

RESOLUTIONS

The following resolutions were introduced:

By Reps.: Waggoner, Scott and Moore:

H. R. 476. RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, That the Honorable Chief Justice and Associate Justices of the Supreme Court of Alabama, are respectfully requested to give this body their written opinions concerning the following important constitutional questions which have arisen in reference to the pending bill, S. B. 451, a true copy of which is attached hereto and incorporated herein by reference:

1. Do the provisions of S. B. 451 now pending before the Legislature of Alabama in any way conflict with Article IV, Section 104, of the Constitution of the State of Alabama, 1901?

RESOLVED FURTHER, That the Clerk of the House is directed to send forthwith to the Clerk of the Supreme Court of Alabama nine true copies of this Resolution.

On motion of Rep. Waggoner, the rules were suspended and the resolution, H. R. 476, was adopted.

Also:

By Rep. Manley:

H. J. R. 477. URGING THE STATE COMPTROLLER TO PAY ALL OUTSTANDING EXPENSES INCURRED BY THE JOINT INTERIM REAPPORTIONMENT COMMITTEE.

WHEREAS, the Alabama Legislature notes the numerous legal and technical expenses incurred by the Joint Legislative Committee on Apportionment, created by Act 80-771, SJR 239, 1980 Regular Session, and Act 83-31, SJR 14, 1983 1st Special Session, as amended; and

WHEREAS, the outstanding expenses include fees and expenses due Mr. Rod Clark, Demographer, Mr. Bobby M. Bowers, Consulting Demographer, Smith, Bowman, Thagard, Crook and Culpepper, Attorneys, Dickstein, Shapiro and Morin, Attorneys, State of Alabama Data Center, and the fees and expenses due the Plaintiffs' attorneys as ordered by U. S. District Court Judge Myron Thompson; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby urge that all the aforementioned outstanding expenses be paid by the State Comptroller upon his receipt of authorized vouchers from the funds appropriated to the Legislature.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to the State Comptroller that he may be aware of our concern in this matter.

The resolution, H. J. R. 477, was read and referred to the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 619. Relating to Chambers County; requiring the county health department or its agents to perform soil percolation tests for septic tank installation purposes for a certain fee.

Also:

H. 672. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Forkland in Greene County.

Also:

H. 680. Relating to Randolph County; requiring the county health department or its agent, to perform soil percolation tests for septic tank installation purposes for a certain fee.

Also:

H. 681. To amend §34-23-116, Code of Alabama of 1975, relating to exemptions from the "Third Party Prescription Program Act" in Title 34, Chapter 23, Article 5, Code of Alabama of 1975, so as to provide for exemption of services reimbursed by non-profit corporations organized under Title 10, Chapter 4, Article 6, Code of Alabama of 1975, to establish and operate health care service plans.

Also:

H. 686. To further amend Section 11-60-1, Code of Alabama, 1975 respecting municipal public park and recreation boards, to amend the definitions in the said act to include the recreational facilities, handball courts and gymnasiums in the definition of "Project" therein.

Also:

H. 694. Relating to Randolph County; providing further for the compensation of the county coroner.

Also:

H. 770. Relating to Tuscaloosa County; providing for the filing for record and the preservation of all orders and decrees made and entered by any judge of the circuit court in Tuscaloosa County.

Also:

H. 797. To amend Section 5 of Act No. 82-362, H. 772, of the Regular Session of 1982, relating to the compensation of deputy sheriffs in Calhoun County, so as to clarify the date on which such act shall become effective.

Also:

H. 816. Relating to Marshall County; to provide that all county commissioners shall serve full time; providing for compensation; and providing for retroactive effect.

Also:

H. 831. Relating only to Choctaw County, to further provide for the distribution of the tax levied by Act #82-344, Acts of Alabama, regular session 1982.

And finds same correctly enrolled.

JOHN S. CASEY,
Chairman.

SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

SPECIAL ORDER RESUMED

MOTION TO POSTPONE TABLED

On motion of Rep. Johnson (Roy), the motion offered by Rep. Adams to postpone the bill, S. 532, for two legislative days, was tabled.

Yeas 42; Nays 36.

Yeas:

Mr. Speaker, Blake, Boles, Bowling, Box, Bryant, Buskey, Butler, Casey, Clark, Coburn, Coleman, Crow, Davis, Dutton, Holley, Holmes, Howard, Johnson (Roy), Junkins, Lauderdale, Layton, McKee, Melton, Minus, Mitchell, Nevett, Newman, Nicholson, Owens, Parker, Poole, Rains, Reed,

Smith, Thomas, Trammell, Waggoner, White (F.), Williams, Wright and Zoghby.

—42

Nays:

Reps.: Adams, Ashley, Bennett, Brooks, Campbell, Clikas, Drinkard, Ford, Freeman, Gaston, Grimsley, Grouby, Hammett, Harper, Harvey, Hettinger, Horn, Johnson (A.L.), Johnson (R.G.), Kennedy, Kvalheim, Lewis, McMillan, Manley, Moore, Payne, Rice, Richardson, Sasser, Scott, Seibels, Starkey, Stout, Turner, Warren and Wilson.

—36

S. 532 TEMPORARILY POSTPONED

On motion of Rep. Johnson (Roy), the bill, S. 532, was temporarily postponed.

RECESS

On motion of Rep. Johnson (Roy), the House recessed until 2:30 o'clock p.m.

HOUSE RECONVENED

The hour of 2:30 o'clock p.m. having arrived, the House reconvened. The Speaker called the House to order.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 342. COMMENDING DR. WAYNE TEAGUE, THE STATE BOARD OF EDUCATION AND THE DIVISION OF ADMINISTRATION AND FINANCIAL SERVICES.

Also:

H. J. R. 345. COMMENDING MR. WILLIAM C. RATLIFF, JR., OF BIRMINGHAM, ALABAMA, RECIPIENT OF A REGIONAL "OUTSTANDING HANDICAPPED POSTAL EMPLOYEE OF THE YEAR" AWARD.

Also:

H. J. R. 373. COMMENDING THE STATE STREET AFRICAN METHODIST EPISCOPAL ZION CHURCH OF MOBILE, ALABAMA, 1820 - 1983; FOR 163 YEARS, THE LORD'S HOLY TEMPLE.

Also:

H. J. R. 455. COMMENDING OUR COLLEAGUE REPRESENTATIVE NOLAN WILLIAMS OF NEWTON.

Also:

H. J. R. 456. COMMENDING JEAN ELKINS CHENAULT FOR HER OUTSTANDING WORK FOR THE STATE OF ALABAMA.

McDOWELL LEE,
Secretary.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 258. To alter or rearrange the boundary lines of the town of Cedar Bluff, Cherokee County, Alabama, so as to include within the corporate limits of said town all territory now within such corporate limits and also certain other territory contiguous thereto, in Cedar Bluff, Alabama.

Also:

H. 328. Relating to Shelby County; to provide further for the office of the county coroner; to prescribe an expense allowance for said coroner; to provide for a deputy county coroner; to prescribe salary and expense allowance for such deputy coroner and to provide for supplemental effect.

Also:

H. 443. Relating to Shelby County; authorizing and empowering the county commission to promulgate and implement rules and regulations including advance permit requirements for adequate control and accommodation of outdoor musical concerts and other outdoor entertainment productions to be held in those areas of the county situated outside of the municipal or town limits of any city or town in Shelby County and prescribing penalty for violation.

Also:

H. 482. Relating to Baldwin County; requiring a rotation system for wreckers, except as otherwise provided by municipal ordinance; prohibiting speeding, reckless driving, on-the-scene solicitation by wrecker drivers; prohibiting wreckers from going to the scene of a wreck unless called; prohibiting troopers or any other law enforcement officer in the county from displaying favoritism in calling wreckers; and establishing penalties.

Also:

H. 513. To promote the maintenance of Chilton County's natural beauty by eliminating unsightly and unhealthy litter; to provide for the dissemination in Chilton County of information pertaining to laws relative to littering and penalties therefor; to provide that certain identifiable litter constitutes prima facie evidence of littering by the person with whom it can be identified; to grant authority to the Chilton County Commission or other like governing body to establish and appoint, for the enforcement of littering laws in Chilton County, an agency and personnel empowered with the authority of peace officers as defined by state law for the primary purpose of enforcing littering laws and other laws relating to littering in Chilton County; to grant authority to the Chilton County Health Department to enforce littering laws in Chilton County, and to provide for a means to plea to the public to heed such laws and to help eliminate litter in such county.

Also:

H. 554. Relating to Lamar County; to provide that all members of the county commission shall serve on a full-time basis, effective upon the next term of office of any of said members; to regulate further the expense allowance of the members of the Lamar County Commission and giving retroactive effect to such expense allowances; and providing automatic termination

of such expense allowances.

Also:

H. 655. To alter, or rearrange the boundary lines of the Town of Good Hope, Cullman County, Alabama, so as to include within the corporate limits of said town all territory now within such corporate limits and also certain other territory contiguous thereto, in Cullman County, Alabama.

Also:

H. 677. Relating to Elmore County, to provide an expense allowance and mileage allowance to supplement the compensation of the county coroner.

Also:

H. 692. To authorize the establishment of branch banks in Clarke County.

Also:

H. 707. Relating to Clarke County; providing that the Clarke County Commissioners shall serve full time as such officers.

Also:

H. 729. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Hayden, in Blount County.

Also:

H. 753. Relating to Fayette and Lamar County; establishing a district legislative delegation office in such counties; providing for the operation of such office; and prescribing that the county governing body of each county shall pay a monthly expense allowance, from their respective county treasuries, to the house member representing such counties who shall maintain and account for a separate bank account for the operation of such office.

Also:

H. 803. Relating to Hale County, providing for the establishment of a consolidated and unified system of assessment and collection of taxes under the supervision of an elective county official designated as county revenue commissioner; prescribing the powers, duties, term of office and compensation of said county revenue commissioner, and providing for his election; abolishing the county offices of tax assessor and tax collector in Hale County; repealing conflicting laws; and prescribing the effective date of this act.

And finds same correctly enrolled.

JOHN S. CASEY,
Chairman.

SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 805. To exempt the 34th National Square Dance Convention from the payment of all state, county and municipal sales and use taxes.

Also:

H. 817. Relating to Morgan County; permitting banks authorized to engage in the banking business and having an office or place of business in Morgan County to establish, maintain or operate branch banks and branch offices within the coprorate limits of Flint, Alabama, for the conduct of a general banking and trust business.

Also:

H. 827. Relating to Bibb County; to provide further for the expense allowance for members of the board of education.

Also:

H. 828. Relating to Bibb County; to amend Section 1 of Act No. 81, H. 530, Regular Session 1977 (Acts 1977, p. 119), relating to the issuance of pistol permits by the sheriff, so as to increase the fees thereof.

Also:

H. 836. Relating to Macon County; providing that the members of the board of registrars shall be included in the county insurance program and providing retroactive effect.

Also:

H. 837. Relating to Macon County; to authorize the county governing body to pay an additional expense allowance to the circuit clerk in Macon County; and to give retroactive effect.

Also:

H. 838. Relating to Macon County; providing for an expense allowance for the coroner.

Also:

H. 841. Relating to Fayette County; providing a travel and subsistence expense allowance for the county superintendent of education; specifically repealing Act No. 442, H. 842, 1947 Regular Session (Local Acts 1947, p. 300); and providing that this act shall become effective July 1, 1983.

Also:

H. 849. Relating to Calhoun County; authorizing the county commission to levy an additional ½¢ sales tax paralleling the state sales tax provided for in Sections 40-23-1, 40-23-2, 40-23-3 and 40-23-4, Code of Alabama 1975, providing for the collection, distribution and use of the proceeds of such tax; providing for the enforcement of this act by the state department of revenue; prescribing penalties and fixing punishment for violation of this act; and to provide that the substantive provisions hereof must be approved by the voters of the area in which the tax would be levied.

Also:

H. 857. To levy a finance charge or a tax of ten cents per acre to be assessed against lands located in Pickens County, Alabama, which are used for timber growing purposes, to provide protection against forest fires, insects, disease and other pests within Pickens County; to provide for a referendum on the question and prescribing the procedure for the collection of such assessments.

Also:

H. 859. Relating to the City of Prichard, Mobile County and the pension and retirement fund for such city; amending further Sections XII and XXII of Act No. 235, H. 290, of the 1963 Regular Session (Acts 1963, p. 636) as last amended, relating to the payment eligibility and the formula therefor of certain retirees, and persons who leave city service before retirement, so as to provide that all monies contributed by the member to such fund and increases for retirees.

Also:

H. 860. Relating to Marshall County; to further regulate the appropriation and distribution of Tennessee Valley Authority funds paid in-lieu-of-taxes.

Also:

H. 861. To authorize the Marshall County Commission to provide protection of forests from fires, insects, disease and other pests within the county and to assess the whole or a part of the costs thereof, within a prescribed limit, against forest lands in the county and to prescribe the procedure for levying and collecting such assessments.

Also:

H. 874. To alter, rearrange and extend the boundaries and corporate limits of the City of Columbiana, Alabama, so as to incorporate certain territory as described herein.

And finds same correctly enrolled.

JOHN S. CASEY,
Chairman.

SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 885. To levy a finance charge or a tax of ten cents per acre to be assessed against lands located in Hale County, Alabama, which are used for timber growing purposes, to provide protection against forest fires within

Hale County; to provide for a referendum on the question; and prescribing the procedure for the collection of such assessments.

Also:

H. 890. Relating to Houston County; to provide for an expense allowance for the members of the county board of education and to repeal certain conflicting laws.

Also:

H. 904. Relating to Marengo County, providing for the establishment of a consolidated and unified system of assessment and collection of taxes under the supervision of an elective county official designated as county revenue commissioner; prescribing the powers, duties, term of office and compensation of said county revenue commissioner, and providing for his election; abolishing the county offices of tax assessor and tax collector in Marengo County; repealing conflicting laws; providing for a referendum and prescribing the effective date of this act.

Also:

H. 916. Relating to Shelby County; providing further for the licensing of retailers of alcoholic beverages.

And finds same correctly enrolled.

JOHN S. CASEY,
Chairman.

SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 223. To propose an amendment to the Constitution of Alabama which, if approved by the electors of Jackson County, would authorize the Legislature, by general or local law, to provide for the establishment of fire districts within Jackson County; to provide fire fighting and prevention services and to authorize the levy and collection of certain taxes for the support of such districts.

Also:

H. 845. To propose and provide for the submission of an amendment to the Constitution of Alabama authorizing Macon County under certain conditions to issue general obligation bonds in not exceeding $3,500,000 principal amount for the purpose of obtaining funds in such amount and contributing that amount to Tuskegee Institute to be used for the construction of "The Daniel 'Chappie' James Aerospace Memorial"; to provide that said bonds may be secured by a pledge of a sufficient amount of the ¼ of 1% ad valorem tax authorized by Section 215 of said constitution to be

levied by said county; to provide that none of said bonds shall be chargeable against the constitutional debt limit of said county; and to specify certain details pertaining to said bonds and to the issuance and sale thereof.

Also:

H. 847. To propose and provide for the submission of an amendment to the Constitution of Alabama authorizing the City of Tuskegee in Macon County to issue general obligation bonds in not exceeding $3,500,000 principal amount for the purpose of obtaining funds in such amount and contributing that amount to Tuskegee Institute to be used for the construction of "The Daniel 'Chappie' James Aerospace Memorial"; to provide that said bonds may be secured by a pledge of a sufficient amount of the 1¼% ad valorem tax authorized by Amendment 56 to said constitution to be levied by said city; to provide that none of said bonds shall be chargeable against the constitutional debt limit of said city, and to specify certain details pertaining to said bonds and to the issuance and sale thereof.

Also:

H. 862. To propose an amendment to the Constitution to provide that the legislature may, by local law, authorize the county governing body of Marshall County to further promote and provide forest fire protection within the county, assess in whole or part the cost thereof by levying a tax on lands other than on ad valorem basis; it prescribes the manner for levying, collecting and distributing such assessments.

Also:

H. 906. To propose an amendment to the Constitution of Alabama of 1901, to levy and collect an additional property tax within the Marengo County School District for public education purposes.

And finds same correctly enrolled.

JOHN S. CASEY,
Chairman.

SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 342. COMMENDING DR. WAYNE TEAGUE, THE STATE BOARD OF EDUCATION AND THE DIVISION OF ADMINISTRATION AND FINANCIAL SERVICES.

Also:

H. J. R. 345. COMMENDING MR. WILLIAM C. RATLIFF, JR., OF BIRMINGHAM, ALABAMA, RECIPIENT OF A REGIONAL "OUT-

STANDING HANDICAPPED POSTAL EMPLOYEE OF THE YEAR" AWARD.

Also:

H. J. R. 373. COMMENDING THE STATE STREET AFRICAN METHODIST EPISCOPAL ZION CHURCH OF MOBILE, ALABAMA, 1820-1983; FOR 163 YEARS, THE LORD'S HOLY TEMPLE.

Also:

H. J. R. 455. COMMENDING OUR COLLEAGUE REPRESENTATIVE NOLAN WILLIAMS OF NEWTON.

H. J. R. 456. COMMENDING JEAN ELKINS CHENAULT FOR HER OUTSTANDING WORK FOR THE STATE OF ALABAMA.

And finds same correctly enrolled.

JOHN S. CASEY,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bills, your signature thereto is requested:

S. 93. Relating to the state merit system; amending Section 36-26-5, Code of Alabama 1975, relating to the composition of the state personnel board, so as to provide further for its composition, and amending Section 36-26-27, Code of Alabama 1975, which provides for the disciplining and dismissals of employees in the state classified service so as to provide further for such procedures.

Also:

S. 369. To establish the Senior Citizens Hall of Fame for the purposes of honoring persons making certain contributions for the betterment of the lives of older American citizens; to provide for the membership and election; to create a committee appointed by the Governor, and providing duties, powers and life of such committee; to provide for a chairman and clerical assistance and the conduct of its business; to provide for the reimbursement of the actual and necessary expenses of the members of the committee; and to appropriate necessary funds.

Also:

S. 480. Relating to Mobile County; requiring that twenty percent of the teacher units now allocated for the instruction of Exceptional Children in Mobile County be allocated for the gifted child.

Also:

S. 506. To authorize the City of Prichard, Mobile County, Alabama, to establish an Enterprise Zone in the area of pervasive poverty, unemploy-

ment and economic distress and to carry out programs to encourage private investment and to create jobs in such area, and to authorize agencies of such city, the county governing body and state and county agencies to carry out similar programs in such Enterprise Zone, including, but not limited to, reduction of tax rates, license rates and fees, improvement of public services and reduction and modification of regulatory requirements within such zone, and to provide other services and to modify other requirements as may be necessary or desirable to qualify for financial assistance to such city or private entities within such zone under any Act of the Congress of the United States heretofore or hereafter enacted.

Also:

S. 530. Relating to DeKalb County; providing further for the costs and charges in all district court cases and providing for the establishment of a juvenile probation fund in the county.

Also:

S. 537. Relating to Calhoun County; authorizing the county commission to levy an additional ½¢ sales tax paralleling the state sales tax provided for in Sections 40-23-1, 40-23-2, 40-23-3 and 40-23-4, Code of Alabama 1975, providing for the collection, distribution and use of the proceeds of such tax; providing for the enforcement of this act by the state department of revenue; prescribing penalties and fixing punishment for violation of this act; and to provide that the substantive provisions hereof must be approved by the voters of the area in which the tax would be levied.

Also:

S. 544. To establish service territories for electric suppliers in and around Tarrant City, Jefferson County, Alabama; to declare that it is the policy of the State of Alabama to ensure effective, economical and orderly supply of electric service at retail to customers in and around Tarrant City and to avoid unnecessary duplication of facilities by electric suppliers for the furnishing of retail electric service; to provide procedures for eliminating or reducing the potential for duplication of electric distribution facilities in and around Tarrant City by adopting and mandating that the procedures for elimination and prevention of the duplication of electric distribution facilities set forth in that certain agreement between Tarrant City and Alabama Power Company dated June 8, 1983 shall be the law of this State.

Also:

S. 546. Relating to Limestone County; prohibiting residents of the City of Athens from voting in the election of the county superintendent and county board of education; and the provisions of this act shall be subject to an advisory referendum with the qualified electors voting thereon.

Also:

S. 548. Relating to Escambia County; providing further for the compensation of supernumerary circuit clerks; providing for an expense allowance for such supernumerary officials and allocating the amount payable from the county general fund.

Also:

S. 549. Relating to Pickens County; to provide for the time intervals in which elections may be held as to the question of whether to allow or to prohibit the manufacture and sale of wine, alcoholic liquor or beverages as provided for by Article IV, Section 104 of the Constitution of Alabama of 1901.

Also:

S. 550. Relating to Pickens County; prohibiting the possession of alcoholic liquors and beverages as provided for by Article IV, Section 104 of the Constitution of Alabama of 1901; providing for exceptions; and providing penalties for violations.

Also:

S. 378. To propose an amendment to the Constitution of Alabama of 1901, to legalize the operation of bingo games for prizes or money by certain nonprofit organizations for charitable or educational purposes in Mobile County; and to provide that the provisions of this amendment shall be self-executing.

Also:

S. 547. Relating to Lee County, providing further for the registration fees on mobile homes; providing further for the distribution of such fees; providing for an effective date; and repealing Act No. 481, H. 1193, 1976 Regular Session (Acts 1976, p. 597).

Also:

S. 552. To approve the proposal of the governing body of the City of Huntsville and the Board of Education of the City of Huntsville, relating to the special school taxes heretofore levied pursuant to Amendment No. 305 of the Constitution of Alabama of 1901, that the rate of said special school taxes be increased above the limit provided by said Amendment No. 305 so as to increase the total rate of ad valorem taxes to be levied and collected pursuant to Amendment No. 305 by 65¢ on each one hundred dollars worth of taxable property (6½ mills), making the total levy pursuant to Amendment No. 305, 11½ mills; providing for an election by the qualified electors of the City of Huntsville at a special election called and held in accordance with law governing special elections, and providing for an effective date for this Act.

Also:

S. 554. To authorize the governing body of the City of Huntsville in Madison County to regulate and permit the sale and consumption of alcoholic beverages upon the licensed premises of licensees of the Alabama Alcoholic Control Board and licensees of the City of Huntsville on Sunday; to provide that the provisions of this act are cumulative, and that the act shall not be held to repeal any other general or special act; and to provide an effective date for this act.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing Message from the Senate.

S. 58 TAKEN UP

And the bill S. 58 with the Report of the Committee on Conference, which was postponed on the twenty-eighth legislative day, to the twenty-ninth legislative day, was taken up.

S. 58. To propose a new constitution for the State of Alabama to replace the Constitution of 1901, as amended.

With Report of the Committee on Conference which was postponed on the twenty-eighth legislative day, was taken up.

MOTION TO CONCUR

Rep. Johnson (Roy) offered the motion that the House concur in and adopt the Report of the Committee on Conference on the disagreement of the two Houses on the House amendment to the bill, S. 58.

SUBSTITUTE MOTION TABLED

On motion of Rep. Johnson (Roy), the substitute motion offered by Rep. Manley that the House non-concur in the Report of the Committee on Conference on the bill, S. 58, and requested that a new committee be appointed, was tabled.

Yeas 66; Nays 33.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Carothers, Carter, Casey, Coburn, Coleman, Crow, Davis, Drinkard, Dutton, Escott, Ford, Goodwin, Grimsley, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (Roy), Junkins, Kennedy, Laird, Langford, Lauderdale, Layton, Mathis, Melton, Minus, Mitchell, Murphy, Newman, Nicholson, Parker, Poole, Reed, Richardson, Rogers, Smith, Starkey, Thomas, Thornton, Trammell, Venable, Waggoner, White (F.), White (L.), Wilson, Wright and Zoghby.

—66

Nays:

Reps.: Campbell, Chiaas, Cosby, Faulk, Flowers, Freeman, Gaston, Grouby, Hall, Harper, Johnson (A.L.), Johnson (R.G.), Kvalheim, Lewis, McKee, McMillan, Manley, Moore, Owens, Payne, Penry, Preuitt, Rains, Rice, Sasser, Scott, Seibels, Starr, Stout, Turner, Turnham, Warren and Williams.

—33

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the Report of the Committee on Conference appointed to reconcile the disagreement of the two Houses on the Senate amendment to the Bill:

H. 264. To amend Sections 32-5-192, 32-5A-191, 32-5A-192, 32-6-19, and 11-45-9, Code of Alabama 1975, relating to offenses and penalties for refusal to submit to a chemical test under 32-5-192 (Implied Consent); to generally increase the penalties and other sanctions for violation of 32-5A-191 (DUI); to clarify the penalty for violation of 32-5A-192 relating to

Homicide by Vehicle; to generally increase the penalty for violation of Section 32-6-19 relating to Driving While Revoked; and to allow municipal courts to enforce increased penalties under 32-5A-191 (DUI) by amending 11-45-9, and to provide that any person arrested for violating the provisions of this act shall not be released from jail under bond or otherwise, until there is less than the same percent by weight of alcohol in his blood as specified in Section 32-5A-191(a)(1).

And said Bill, H. B. 264, together with the Conference Report, is herewith returned to the House.

McDOWELL LEE,
Secretary.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 264. To amend Sections 32-5-192, 32-5A-191, 32-5A-192, 32-6-19, and 11-45-9, Code of Alabama 1975, relating to offenses and penalties for refusal to submit to a chemical test under 32-5-192 (Implied Consent); to generally increase the penalties and other sanctions for violation of 32-5A-191 (DUI); to clarify the penalty for violation of 32-5A-192 relating to Homicide by Vehicle; to generally increase the penalty for violation of Section 32-6-19 relating to Driving While Revoked; and to allow municipal courts to enforce increased penalties under 32-5A-191 (DUI) by amending 11-45-9, and to provide that any person arrested for violating the provisions of this act shall not be released from jail under bond or otherwise, until there is less than the same percent by weight of alcohol in his blood as specified in Section 32-5A-191(a)(1).

And finds same correctly enrolled.

JOHN S. CASEY,
Chairman.

SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 534. To further amend Section 40-23-1, Alabama Code, 1975, as amended, which Section contains various definitions applicable to the Alabama Sales Tax, so as to clarify, and remove ambiguity from, the definitions of "gross proceeds of sales", "gross receipts" and "sale at retail or retail sale", and declaring that such clarification does not constitute a change in, but is declaratory of, the pre-existing law.

Also:

H. 535. To amend Section 40-23-60, Alabama Code, 1975, which Section contains various definitions applicable to the Alabama Use TAx, so as to clarify, and remove ambiguity from, the definitions of "sale at retail or retail sale", and declaring that such clarification does not constitute a change in, but is declaratory of, the pre-existing law.

McDOWELL LEE,
Secretary.

REPORT OF THE STANDING COMMITTEE ON RULES
ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 534. To further amend Section 40-23-1, Alabama Code, 1975, as amended, which Section contains various definitions applicable to the Alabama Sales Tax, so as to clarify, and remove ambiguity from, the definitions of "gross proceeds of sales", "gross receipts" and "sale at retail or retail sale", and declaring that such clarification does not constitute a change in, but is declaratory of, the pre-existing law.

And finds same correctly enrolled.

JOHN S. CASEY,
Chairman.

SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES
ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House bill, to-wit:

H. 535. To amend Section 40-23-60, Alabama Code, 1975, which Section contains various definitions applicable to the Alabama Use Tax, so as to clarify, and remove ambiguity from, the definitions of "sale at retail or retail sale", and declaring that such clarification does not constitute a change in, but is declaratory of, the pre-existing law.

And finds same correctly enrolled.

JOHN S. CASEY,
Chairman.

SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with a two-thirds vote of a quorum present, signed

the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

S. 58 RESUMED

REPORT OF COMMITTEE ON CONFERENCE ADOPTED

The question was then on the motion offered by Rep. Johnson (Roy) that the House concur in and adopt the Report of the Committee on Conference to reconcile the differences between the two Houses on the House amendment to the bill, S. 58, and the motion was adopted.

Yeas 73; Nays 28.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Carothers, Carter, Casey, Clark, Coburn, Coleman, Cosby, Crow, Davis, Drinkard, Dutton, Escott, Ford, Goodwin, Grimsley, Hammett, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (Roy), Junkins, Kennedy, Laird, Langford, Lauderdale, Layton, Lewis, Martin, Mathis, Melton, Minus, Mitchell, Murphy, Newman, Nicholson, Parker, Poole, Preuitt, Reed, Richardson, Rogers, Smith, Starkey, Thomas, Thornton, Trammell, Turner, Venable, Waggoner, White (F.), White (L.), Wright and Zoghby.

—73

Nays:

Reps.: Campbell, Clikas, Faulk, Freeman, Gaston, Grouby, Hall, Harper, Johnson (A.L.), Johnson (R.G.), Kvalheim, McKee, McMillan, Manley, Owens, Payne, Penry, Rains, Rice, Sasser, Scott, Seibels, Starr, Stout, Turnham, Warren, Williams and Wilson.

—28

And the bill, S. 58, as amended by the Report of the Committee on Conference was again read at length and passed.

Yeas 73; Nays 27.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Carothers, Carter, Casey, Clark, Coburn, Coleman, Cosby, Crow, Davis, Drinkard, Dutton, Escott, Ford, Goodwin, Grimsley, Grouby, Hammett, Harvey, Hettinger, Holley, Holmes, Horn, Johnson (Roy), Junkins, Kennedy, Laird, Langford, Lauderdale, Layton, Lewis, Martin, Mathis, Melton, Minus, Mitchell, Murphy, Newman, Nicholson, Parker, Poole, Preuitt, Reed, Richardson, Rogers, Smith, Starkey, Thomas, Thornton, Trammell, Turner, Venable, Waggoner, White (F.), White (L.), Wright and Zoghby.

—73

Nays:

Reps.: Campbell, Clikas, Faulk, Freeman, Gaston, Hall, Harper, Johnson (A.L.), Johnson (R.G.), Kvalheim, McKee, McMillan, Manley, Owens, Payne, Penry, Rains, Rice, Sasser, Scott, Seibels, Starr, Stout, Turnham,

Warren, Williams and Wilson.

—27

RECESS

On motion of Rep. Johnson (Roy), the House recessed until 8:00 o'clock p.m.

HOUSE RECONVENED

The hour of 8:00 o'clock p.m. having arrived, the House reconvened. The Speaker called the House to order.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 252. To amend Section 32-7-4, Code of Alabama 1975, so as to adjust the amount collected by the Director of Public Safety for a driver's operating record from $2.00 to $4.00.

Also:

H. 578. To amend further Code of Alabama 1975, § 32-5-313, relating to a penalty for a traffic infraction so as to increase the amount of the penalty and provide that the additional amount to be used to fund courses of instruction in the driving of trucks.

Also:

H. 287. To amend Section 40-21-85, Code of Alabama 1975, so as to revise the payment schedule of utility gross receipts tax such that payers of large tax liabilities will pay on an estimate basis during and for the period in which the tax liability accrues.

Also:

H. 260. To amend Section 40-23-50, Code of Alabama 1975, so as to delete the exemption from payment of contractors gross receipts tax which is allowed when a municipality or a county is a joint party with the state in a contract to construct, reconstruct or build any public highway, road, bridge or street; and to clarify the definition of "gross receipts" as applied to such contracts.

McDOWELL LEE,
Secretary.

RESOLUTIONS

The following resolution was introduced:

By Reps. Mathis, Carothers, Grimsley, Williams, Holley, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drake, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holmes, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Melton, Minus, Mitchell,

Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Warren, White (F.), White (L.), Wilson, Wright and Zoghby:

H. J. R. 478. REQUESTING GOVERNOR GEORGE C. WALLACE TO PETITION THE PRESIDENT TO DECLARE GENEVA AND HOUSTON COUNTIES A FEDERAL DISASTER AREA.

WHEREAS, tomato producers in Geneva and Houston Counties have suffered financial disaster as a result of weather conditions thus far in 1983; and

WHEREAS, excessive rains in February and early March were followed by unseasonably cold weather into the month of April, thereby delaying normal maturation of the crop; and

WHEREAS, problems were further compounded by an additional delay in harvesting the crop, again due to excessive rain, causing tomatoes to ripen in the fields and to fill with water, becoming unfit for shipment; and

WHEREAS, the normal shipping time for Geneva and Houston County tomatoes falls between June 1 and July 10, filling a marketing void between Florida crops and those from California and South Carolina; and

WHEREAS, this year, however, the few tomatoes salvaged by Alabama's producers and those from Florida, California and South Carolina were all shipped at the same time causing a market glut and a resultant depressed price for tomatoes; and

WHEREAS, having invested between $1500 to $2000 per acre in their crops, hundreds of Alabama's tomato producers are facing financial ruin; may already have outstanding loans and will need additional financing for fall planting and for next year's crop; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we respectfully urge Governor George C. Wallace to petition the President to declare Geneva and Houston Counties a federal disaster area; we further would request the Governor to intervene on behalf of Alabama's tomato producers and ask for consideration from the Farmers Home Administration and other lending institutions in assisting these growers in every possible way.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to Governor Wallace with copies also sent to all members of Alabama's Congressional Delegation.

On motion of Rep. Mathis, the rules were suspended and the resolution, H. J. R. 478, was adopted.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Reps. Rains and Coleman:

H. R. 479. COMMENDING MR. AND MRS. SIMP MCKEE BAIN ON THEIR GOLDEN WEDDING ANNIVERSARY.

Also:

By Reps. Rains and Coleman:

H. R. 480. COMMENDING MR. TOM WHEELER, BOAZ, ALABAMA, ON RECOGNITION AWARD BY TENNESSEE VALLEY AUTHORITY.

Also:

By Reps. Rains and Coleman:

H. R. 481. COMMENDING VADA ELIZABETH CALLAHAN BROOKS.

Also:

By Reps. Rains and Coleman:

H. R. 482. COMMENDING MR. AND MRS. CECIL STEPHENSON OF WHITON ON THEIR GOLDEN WEDDING ANNIVERSARY.

Also:

By Reps. Rains and Coleman:

H. R. 483. COMMENDING MR. AND MRS. A. V. MORTON ON THEIR GOLDEN WEDDING ANNIVERSARY.

Also:

By Reps. Rains and Stout:

H. R. 484. COMMENDING R. E. ABLES UPON HIS RETIREMENT.

Also:

By Rep. Faulk:

H. R. 485. COMMENDING MR. AND MRS. ALVIN TURNER OF HONORAVILLE, ALABAMA, ON THEIR GOLDEN WEDDING ANNIVERSARY.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 252. To amend Section 32-7-4, Code of Alabama 1975, so as to adjust the amount collected by the Director of Public Safety for a driver's operating record from $2.00 to $4.00.

Also:

H. 260. To amend Section 40-23-50, Code of Alabama 1975, so as to delete the exemption from payment of contractors gross receipts tax which is allowed when a municipality or a county is a joint party with the state in a contract to construct, reconstruct or build any public highway, road, bridge or street; and to clarify the definition of "gross receipts" as applied to such contracts.

Also:

H. 578. To amend further Code of Alabama 1975, § 32-5-313, relating to a penalty for a traffic infraction so as to increase the amount of the pen-

alty and provide that the additional amount to be used to fund courses of instruction in the driving of trucks.

And finds same correctly enrolled.

JOHN S. CASEY,
Chairman.

SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

I have been directed by the Senate to request the House to return to the Senate for further consideration of the Bill:

H. 287. To amend Section 40-21-85, Code of Alabama 1975, so as to revise the payment schedule of utility gross receipts tax such that payers of large tax liabilities will pay on an estimate basis during and for the period in which the tax liability accrues.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The House acceded to the request of the Senate for the return of the bill, H. 287, to the Senate for further consideration.

And the bill, H. 287, was forthwith returned to the Senate.

RESOLUTIONS

The following resolution was introduced:

By Rep. Albright:

H. R. 486. REQUESTING AN ADVISORY OPINION OF THE JUSTICES OF THE SUPREME COURT RELATIVE TO S. B. 560 OF THE 1983 REGULAR SESSION.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, That we do respectfully request the Honorable Chief Justice and Associate Justices of the Supreme Court, or a majority of them, to give this body their written opinions of the following important Constitutional questions which have arisen concerning the pending S. B. 560 of the 1983 Regular Session, which bill pertains, inter alia, to authorizing the county governing body of Madison County to levy, assess and collect franchise, excise and privilege license taxes in Madison County outside the corporate limits of the City of Huntsville, Alabama. Copies of said bill are attached to this resolution and made a part hereof by reference.

1. Would Section 1 of this bill authorizing the governing body of Madison County to levy and collect franchise, excise and privilege license taxes in Madison County outside the corporate limits of the City of Huntsville, Alabama, by ordinance violate the provisions of Article IV, Section 44

of the Constitution of Alabama of 1901, as an unauthorized delegation of legislative power?

2. Would Section 1 of this bill be violative of the equal protection laws, granted under the state and federal constitutions, for those citizens living in the affected areas since taxes imposed by the county governing body would not be imposed upon all citizens of Madison County?

RESOLVED FURTHER, That the Clerk of the House is hereby directed to send sufficient copies of the pending S. B. 560, with attachments, to the Clerk of the Supreme Court of Alabama and to transmit this request to the Justices of the Supreme Court forthwith upon adoption of this resolution.

On motion of Rep. Albright, the rules were suspended and the resolution, H. R. 486, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Reps. Adams and Johnson (A.L.):

H. R. 487. COMMENDING THE PHENIX RUSSELL GIRL'S SOFTBALL TEAM.

RESOLUTION

The following resolution was introduced:

By Rep. Nicholson:

H. J. R. 488. COMMENDING EARL WARREN AND W W COMPONENT ENGINEERING OF WALKER COUNTY, ALABAMA.

WHEREAS, the Legislature of Alabama has noted with profound admiration policies and practices of Earl Warren and W W Component Engineering, Inc. of Walker County, Alabama which have promoted voter awareness and good citizenship; and

WHEREAS, it is an employment qualification at W W Component Engineering, Inc. to be a qualified voter; and

WHEREAS, W W Component Engineering, Inc. has provided a forum for political candidates by allowing candidates to speak to its employees and allow its employees to meet and question candidates; and

WHEREAS, these forums take place during working hours and are at the expense of W W Component Engineering, Inc. and costs the employer substantial sums in terms of wages and lost production; and

WHEREAS, the actions of Earl Warren and W W Component Engineer, Inc. have increased voter awareness and serves as an example for all citizens and businesses in the State of Alabama to follow; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that we most highly praise and commend Earl Warren and W W Component Engineering, Inc. for outstanding citizenship.

BE IT FURTHER RESOLVED, that copies of this resolution be sent to Earl Warren and W W Component Engineering, Inc. of Walker County, Alabama, that they may know of our sincere praise and high regard.

On motion of Rep. Nicholson, the rules were suspended and the resolution, H. J. R. 488, was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Foshee:

S. J. R. 256. CREATING A PERMANENT JOINT COMMITTEE TO STUDY OIL AND GAS, TO BE CALLED THE "ALABAMA OIL AND GAS STUDY COMMITTEE," EFFECTIVE JANUARY 1, 1984.

WHEREAS, the Legislature created the Joint Interim Oil and Gas Study Committee, Act 83-122, Second Special Session 1983; and

WHEREAS, said Committee will stand discharged upon making its final report in the Regular Session of the members' last year of their term of office; and

WHEREAS, the Committee has recognized the need for a permanent Oil and Gas Study Committee to make a continuing study of the oil and gas industry in our State and to report findings to the Legislature and Governor on an annual basis; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That, effective January 1, 1984, there is hereby created the Alabama Oil and Gas Study Committee to study the oil and gas industry, the laws pertaining thereto, exploration and production of oil and gas in this State, its regulation, the fiscal opportunity and liabilities for the State, the impact of the oil and gas industry on our State, and all facets thereof.

BE IT FURTHER RESOLVED, That the Committee shall be a permanent committee which shall continue from year to year until terminated by the manner in which it was created and that the Committee shall be composed of a total of ten (10) members, five (5) of which shall be appointed by the presiding officer of the Senate and five (5) of which shall be appointed by the Speaker of the House, all of which appointments shall be made no sooner than January 1, 1984, and not later than 10 days following the commencement of the 1984 Regular Session of the Legislature. The members shall serve until the expiration of the term of office of the appointing authority and the membership of the Committee shall be constituted as follows: the presiding officer of the Senate shall appoint three (3) members of the Senate, and one (1) additional member from a list of three (3) nominees from among the membership of the Alabama-Mississippi Division of the Mid Continent Oil and Gas Association, and one (1) additional member who is a resident of an oil and gas producing county knowledgeable in the oil and gas field; the presiding officer of the House shall appoint three (3) members of the House of Representatives, and one (1) additional member from a list of three (3) nominees from among the Alabama membership of the Alabama Petroleum Council, and one (1) additional member who is a resident of an oil and gas producing county knowledgeable in the oil and gas field. The State Oil and Gas Supervisor and Commissioner of the Department of Conservation shall serve as ex officio, non-voting, advisory members of the Committee. The Committee shall meet within 10 days following the commencement of the 1984 Regular Session of the Legislature, whereupon

the first order of business shall be to elect a chairman and vice chairman from among the appointed membership of the Committee. Any vacancy shall be filled in the same manner as the original appointment for the remainder of the term.

RESOLVED FURTHER, That upon the request of the Chairman, the Secretary of Senate and the Clerk of the House shall provide such clerical assistance as the Committee's work may require, and that the Chairman shall be authorized to employ within the limit of funds available to the Committee any person, persons, firms or corporations deemed necessary by the Chairman to carry out the duties, functions and purposes of the Committee. Each member of the Committee shall be entitled to regular Legislative compensation, per diem, and travel expenses within or without the State for each day the member is on business of the Committee or attends meetings when the Legislature is not in Session or is in recess without pay provided however non-legislative members shall be entitled to said compensation without regard to whether the Legislature is in session. The sum of Thirty Thousand Dollars annually shall be made available to the Committee for its use from any funds appropriated to the use of the legislature. Such sums shall be paid on warrants drawn by the state comptroller upon requisition of the Chairman and in accordance with law; provided, however, the total of such sums shall not exceed Thirty Thousand Dollars annually.

BE IT FURTHER RESOLVED, That the Committee be empowered to call witnesses to testify under oath and the members and staff of the State Oil and Gas Board, other State agencies and the employees thereof shall furnish, upon request of the Committee or any member thereof, any and all information, data and documents which the Committee may need or request to carry out the functions and duties of the Committee, and the Chairman of the Committee shall have the power to issue subpoenas and subpoena duces tecum pursuant to the Alabama Rules of Civil Procedure.

BE IT FURTHER RESOLVED, That the Committee shall makes its report, findings and recommendations to the Legislature, Governor and any State agencies during each Regular Session of the Legislature.

McDOWELL LEE,
Secretary.

MOTION TO SUSPEND RULES AND ADOPT

Rep. Johnson (Roy) offered the motion to suspend the rules and adopt the resolution, S. J. R. 256, set out in the above and foregoing Message from the Senate.

SUBSTITUTE MOTION LOST

The substitute motion offered by Rep. Adams to indefinitely postpone the resolution, S. J. R. 256, was lost.

The question was then on the motion offered by Rep. Johnson (Roy) to suspend the rules and adopt the resolution, S. J. R. 256.

DIVISION OF THE QUESTION

Rep. Adams called for the Division of the Question and the call was sustained.

MOTION TO SUSPEND RULES ADOPTED

The question was then on the motion offered by Rep. Johnson (Roy) to

suspend the rules in order to take up for immediate consideration the resolution, S. J. R. 256, and the motion was adopted.

Yeas 77; Nays 11.

Yeas:

Mr. Speaker, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Ford, Gaston, Goodwin, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Horn, Howard, Johnson (Roy), Junkins, Kennedy, Kvalheim, Langford, Lauderdale, Layton, McMillan, Mathis, Melton, Minus, Mitchell, Murphy, Newman, Nicholson, Payne, Penry, Poole, Rains, Reed, Richardson, Rogers, Scott, Seibels, Starr, Thornton, Trammell, Turner, Waggoner, Warren, White (F.), White (L.), Wilson, Wright and Zoghby.

—77

Nays:

Reps.: Adams, Johnson (R.G.), Laird, Lewis, McKee, Manley, Owens, Rice, Starkey, Turnham and Williams.

—11

On motion of Rep. Johnson (Roy), the resolution, S. J. R. 256, was concurred in and adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 245. To make annual appropriations for the support, maintenance and development of public education in Alabama and for debt service and capital improvements for the fiscal year ending September 30, 1984.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

Rep. Coburn offered the motion that the House concur in and adopt the Senate amendment to the bill, H. 245, said Senate amendment being as follows:

Amend House Bill 245 as substituted on page 14, line 8 by striking the figure "1,069,100" and inserting in lieu thereof the figure "944,100"; and on page 14, lines 20 & 23 by striking the figure "4,069,100" and inserting in lieu thereof the figure "3,944,100"; and on page 14, line 23 by striking the figure "6,160,803" and inserting in lieu thereof the figure "6,035,803".

Further amend House Bill 245 as substituted on page 51, after line 34 by inserting the following:

"Section 5.

A.	Paramedic Training at Trenholm State Technical College	125,000

SOURCE OF FUNDS:		
(1) ASETF	125,000	
Total Paramedic Training at Trenholm State Technical College	125,000	125,000"

Amend Finance and Taxation Substitute to House Bill 245, page 42, line 22, and page 52, line 9, by striking the figure ~~$3,659,382,~~ and inserting the figure $3,559,382;

Further amend on page 42, line 26 and page 52, line 12, by striking the figure ~~$618,596,~~ and inserting the figure $718,596.

Amend House Bill 245 as substituted on page 41, line 25 by striking the figure "270,789" as it appears on that line and insert in lieu thereof the figure "320,789"; and on page 42, after line 27 inserting the following and renumbering the remaining line items accordingly:

"32. Diabetes Research Center	200,000	200,000"

Further amend House Bill 245 as substituted on page 42, lines 31 and 36 by striking the figure "70,451,053" and insert in lieu thereof the figure "70,701,053"; and on line 36 of page 42, strike the figure "315,870,066" and insert in lieu thereof the figure "316,120,066".

Further amend the substitute to House Bill 245 in Section 4(V)(A) on page 45 line 16 by deleting the figures "41,935,326" and "83,442,678" and inserting in lieu thereof the figures "41,970,326" and "83,477,678", respectively.

Further amend the substitute to House Bill 245 in Section 4(V)(A) on page 45 lines 30 and 32 by deleting the figure "45,414,983" and inserting in lieu thereof the figure "45,449,983".

Further amend the substitute to House Bill 245 in Section 4(V)(A) on page 45 line 32 by deleting the figure "108,745,695" and inserting in lieu thereof the figure "108,780,695".

Further amend the substitute to House Bill 245 in Section 4(V)(B) on page 46 lines 7, 9 and 12 by deleting the figure "8,696,497" and inserting in lieu thereof the figure "8,701,497".

Further amend the substitute to House Bill 245 in Section 4(V)(B) on page 46 lines 7 and 12 by deleting the figure "20,173,472" and inserting in lieu thereof the figure "20,178,472".

Further amend the substitute to House Bill 245 in Section 4(V)(C) on page 46 line 14 by deleting the figures "9,420,710" and "19,356,601" and inserting in lieu thereof the figures "9,440,710" and "19,376,601", respectively.

Further amend the substitute to House Bill 245 in Section 4(V)(C) on page 46 lines 17 and 20 by deleting the figure "10,820,710" and inserting in lieu thereof the figure "10,840,710".

Further amend the substitute to House Bill 245 in Section 4(V)(C) on page 46 line 20 by deleting the figure "20,756,601" and inserting in lieu thereof the figure "20,776,601".

Further amend House Bill 245 as substituted on page 9, after line 19 by

inserting the following: "Guidance and Counseling——50,000"; further amend said bill on page 9, lines 21 and 24 by striking the figure "8,663,700" and insert in lieu thereof "8,713,700"; and on page 9, lines 10 and 24, strike the figure "10,253,028" and insert in lieu thereof the figure "10,303,028".

Further amend House Bill 245 as substituted on page 11, lines 21 and 24 by striking the figure "30,773,374" and insert in lieu thereof the figure "30,823,374"; and on page 11, line 24 strike the figure "275,830,866" and insert in lieu thereof the figure "275,880,866".

Further amend House Bill 245 as substituted on page 33, lines 25, 27, and 29 by striking the figure "1,700,000" and insert in lieu thereof the figure "1,915,000".

Further amend House Bill 245 as substituted on page 48 by striking all language and figures on lines 10 and 11 and insert in lieu thereof the following:

"2. Gadsden Educational Programs 464,000 25,000 489,000"

Further amend House Bill 245 as substituted on page 37, lines 6, 8, and 10 by striking the figure "3,500,000" and insert in lieu thereof the figure "3,156,145".

Further amend House Bill 245 as substituted on page 35, on lines 17, 19, and 20 by striking the figure "97,281,145" and insert in lieu thereof the figure "97,000,000".

Further amend House Bill 245 as substituted on page 51, line 27 by striking the figures "6,428,326" and "7,454,764" and insert in lieu thereof the figures "6,478,326" and "7,504,764", respectively; and on page 51, lines 31 and 34, strike the figure "8,870,892" and insert in lieu thereof the figure "8,920,892"; and on page 51, line 34 strike the figure "21,778,467" and insert in lieu thereof the figure "21,828,467".

A BILL
TO BE ENTITLED
AN ACT

To make annual appropriations for the support, maintenance and development of public education in Alabama and for debt service and capital improvements for the fiscal year ending September 30, 1984.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated, for the support of public education in Alabama for the fiscal year ending September 30, 1984 and for the public debt, to be paid out of funds specified in subsection (a) of Section 2 of this Act, the amounts specified in Sections 3 to 4, inclusive. For the purpose specified in subsection (b) of Section 2 of this Act, amounts are shown by programmatic area and the total for all programs is shown so as to include estimated sources of funds other than the appropriation made in subsection (a) of Section 2 of this Act. For the purpose of this Act, "ASETF" shall mean Alabama Special Educational Trust Fund.

Section 2. (a) The appropriations provided for in this Act shall be paid from funds in the State Treasury to the credit of the Alabama Special Educational Trust Fund and Alabama Special Educational Trust Fund Surplus, Special Mental Health Trust Fund, Alabama Board of Nursing Trust Fund, Alabama Peace Officers Standards and Training Fund, and Public School Fund and are hereby made for the support of public education in

Alabama for the fiscal year ending September 30, 1984 and except as may be otherwise expressly provided, the appropriations herein made shall be subject to the provisions, terms, conditions and limitations of the Budget and Financial Control Act (Title 41, Chapter 4, Article 4, 1975 Code of Alabama as amended), the provisions of The Budget Management Act of 1976 (Title 41, Chapter 19, Sections 1 through 12, 1975 Code of Alabama as amended), and shall be in the amounts hereinafter specified.

(b) Amounts shown herein under the columns "Trust Funds" and "Appropriation Total" are set forth for the purpose of indicating amounts estimated to be available by programmatic area from sources other than from appropriations made in subsection (a) of this Section 2, in order, upon consideration of such other funds so estimated to be available, to promote the accountability for an efficient use of the funds available to and hereby appropriated by the Legislature, it being the intention hereof to make appropriations only from the funds referred to in subsection (a) of this Section 2. Provided, however, that regardless of the ending date of any pay period which has been or may be established by the Legislature for the payment of salaries of state employees, the entire payment due shall be made from the fiscal year's appropriation in which the pay date falls.

Section 3:

A. STATE AGENCIES

1. ACADEMY OF HONOR, ALABAMA:

(a) Historical Resources Management Program			950
SOURCE OF FUNDS:			
(1) ASETF - Transfer	950		
Total Alabama Academy of Honor	950		950

2. ARTS AND HUMANITIES, COUNCIL ON THE:

(a) Fine Arts Program			1,040,822
(b) Outdoor Drama			10,000
(c) National Endowment for the Arts			300,000
The appropriation to the Council on the Arts and Humanities shall include a transfer to the State Personnel Department of $627.			
SOURCE OF FUNDS:			
(1) ASETF - Transfer	750,000		
(2) Federal and Local Funds		600,822	
Total Council on the Arts and			

Humanities	750,000	600,822	1,350,822
3. DEBT SERVICE			649,708
(a) Interest on Endowments: For interest on University of Montevallo (Alabama College) Endowment, Estimated	34,964		
For interest on Auburn University Endowment	20,280		
For interest on University of Alabama Endowment	61,000		
For interest on Grove Hill Endowment	600		
For interest on Public School Fund Endowment: Interest on 16th Section Lands, Estimated	410,000		
Interest on School Indemnity Lands, Estimated	90,000		
Interest on Valueless 16th Section Lands	5,825		
Interest on Surplus Revenue	26,764		
Interest on James Wallace Fund	275		
Total Interest on Public School Fund Endowment	532,864		
SOURCE OF FUNDS: (1) ASETF		649,708	
Total Debt Service		649,708	649,708
4. DENTAL SCHOLARSHIP AWARDS, BOARD OF:			

(a) Support of Other Educational Activities Programs			191,000
SOURCE OF FUNDS:			
(1) ASETF	191,000		
Total Board of Dental Scholarship Awards	191,000		191,000
(To be expended under the provisions of Title 16, Chapter 47, Sections 76 through 81, 1975 Code of Alabama as amended.)			
5. EDUCATION, DEPARTMENT OF:			
(a) Administrative Services Program			11,143,902
The proposed spending plan for the above is as follows:			
Compact for Education 32,000			
Operations and Maintenance of Department 1,894,822			
Telephone Network Fund, Estimated 1,390,000			
SOURCE OF FUNDS:			
(1) ASETF	3,316,822		
(2) Federal and Local Funds.		7,827,080	
Total Administrative Services Program	3,316,822	7,827,080	11,143,902
The above appropriation shall include a transfer to the State Personnel Department of $80,255.			
(b) Adult Education Program			3,521,512
The proposed spending plan for the above is as follows:			
Adult Basic Education 1,550,000			
Community Education 200,000			

SOURCE OF FUNDS:			
(1) ASETF	1,750,000		
(2) Federal and Local Funds		1,771,512	
Total Adult Education Program	1,750,000	1,771,512	3,521,512
(c) Direct Client Services for the Handicapped			39,182,018
To be distributed by the Department of Education as follows:			
Crippled Children Services Program	4,631,867		
Handicapped Recreation Program	186,000		
(To provide recreation and services at a year-round accredited handicapped recreation facility.)			
Hemophilia Program	279,000		
Homebound Program	2,000,000		
Rehabilitation Services Program	6,166,675		
SOURCE OF FUNDS:			
(1) ASETF	13,263,542		
(2) Federal and Local Funds		25,918,476	
Total Direct Client Services for the Handicapped	13,263,542	25,918,476	39,182,018
(d) Emergency Medical Services Education Program			1,500,000
To be distributed by the Department of Education as follows:			
(1) Birmingham Regional Emergency Medical System	250,000		
(2) East Alabama Emergency Medical Services,			

Inc. 250,000

(3) North Alabama Emergency Medical Services, Inc. 250,000

(4) Southeast Alabama Emergency Medical Services System, Inc. 250,000

(5) Southwest Alabama Emergency Medical Services Council, Inc. 250,000

(6) West Alabama Emergency Medical Services, Inc. 250,000

The amounts herein appropriated shall be used for the operation and maintenance of the various medical services programs named and for the purchase of instructional supplies and new instructional equipment for such programs.

SOURCE OF FUNDS:
(1) ASETF 1,500,000

Total Emergency Medical Services Education Program .. 1,500,000 1,500,000

(e) Financial Assistance Program . 183,623,995

The proposed spending plan for the above is as follows:

Basic Grant Program 165,464

Elementary Teachers Scholarships ... 25,000

(To be paid in accordance with Title 16, Chapter 23, Section 17, 1975 Code of Alabama as amended) Emergency Secondary Teachers Scholarships 100,000

(To be paid in accordance with Title 16, Chapter 23, Sections 18 through 23, 1975 Code of

	Alabama as amended.)			
	SOURCE OF FUNDS:			
	(1) ASETF	290,464		
	(2) Federal and Local Funds		183,333,531	
	Total Financial Assistance Program	290,464	183,333,531	183,623,995
(f)	Instructional Technical Assistance Program			7,363,513
	The proposed spending plan for the above is as follows:			
	Career Education 98,000			
	Instructional Technical Assistance 523,441			
	Special Education Administration 450,000			
	Vocational Education Administration 651,000			
	SOURCE OF FUNDS:			
	(1) ASETF	1,722,441		
	(2) Federal and Local Funds		5,641,072	
	Total Instructional Technical Assistance Program	1,722,441	5,641,072	7,363,513
(g)	Local Agency Support Program			10,253,028
	The proposed spending plan for the above is as follows:			
	Driver Education, School Bus Driver Training and Vehicle Safety Inspection 205,000			
	Free Textbooks 7,887,700			
	School Facilities and Architectural Services 71,000			
	Testing 500,000			
	SOURCE OF FUNDS:			
	(1) ASETF	8,663,700		
	(2) Federal and Local Funds		1,589,328	

	Total Local Agency Support Program	8,663,700	1,589,328	10,253,028
(h)	Regulation Program			1,159,557
	The proposed spending plan for the above is as follows: Teacher Certification and Accreditation 257,105			
	SOURCE OF FUNDS:			
	(1) ASETF	257,105		
	(2) Federal and Local Funds		902,452	
	Total Regulation Program	257,105	902,452	1,159,557
(i)	Support of Other Educational Activities Program			9,300
	The proposed spending plan for the above is as follows: Education of Dependents of Blind Parents 9,300			
	SOURCE OF FUNDS:			
	(1) ASETF	9,300		
	Total Support of Other Educational Activities Program	9,300		9,300
	For reimbursement of every State Institution of Higher Learning, College, University, or Vocational-Technical School or Junior College in which benefits are given to dependents of blind parents under the provisions of Title 16, Chapter 33, Section 4, 1975 Code of Alabama as amended.			
(j)	Support of State Universities Program			50,000
	SOURCE OF FUNDS:			
	(1) Federal and Local Funds		50,000	
	Total Support of State Universities Program		50,000	50,000

(k) Projects-Vocation Rehabilitation/Crippled Children Services Program			484,000
SOURCE OF FUNDS:			
(1) Federal and Local Funds		484,000	
Total Projects-Vocation Rehabilitation/Crippled Children Services Program		484,000	484,000
(1) Disability Determination for Social Security Program			17,540,041
SOURCE OF FUNDS:			
(1) Federal and Local Funds		17,540,041	
Total Disability Determination for Social Security Program		17,540,041	17,540,041
TOTAL DEPARTMENT OF EDUCATION:			
SOURCE OF FUNDS:			
(1) ASETF	30,773,374		
(2) Federal and Local Funds		245,057,492	
GRAND TOTAL DEPARTMENT OF EDUCATION	30,773,374	245,057,492	275,830,866
6. EXAMINERS OF PUBLIC ACCOUNTS:			
(a) Legislative Support-Audit Services Program			1,100,000
For purposes of auditing all phases of public education.			
SOURCE OF FUNDS:			
(1) ASETF - Transfer	1,100,000		
Total Examiners of Public Accounts	1,100,000		1,100,000
7. FINE ARTS, ALABAMA SCHOOL OF:			
(a) Fine Arts Program			1,016,254
SOURCE OF FUNDS:			
(1) ASETF	815,670		

(2) Federal and Local Funds		200,584	
Total Alabama School of Fine Arts	815,670	200,584	1,016,254

8. FIREFIGHTERS' PERSONNEL STANDARDS AND EDUCATION COMMISSION, ALABAMA:

(a) Professional and Occupational Licensing and Regulation Program			105,946

The appropriation to the Alabama Firefighters' Personnel Standards and Education Commission shall include a transfer to the State Personnel Department of $188.

SOURCE OF FUNDS:			
(1) ASETF - Transfer	105,946		
Total Alabama Firefighters' Personnel Standards and Education Commission	105,946		105,946

9. HEALTH, DEPARTMENT OF PUBLIC:

(a) Health Support Services Program for Public School Food Sanitation			195,794
(b) Personal Health Improvement Program.			
(1) Perinatal Activities			791,706

Provided, however, that the above appropriation shall be expended only for the continuation of a perinatal program whose expenditure guidelines shall be developed in conjunction with the Perinatal Advisory Committee of the State Committee on Public Health. Such guidelines shall be comprehensive enough to serve as a statewide perinatal plan in meeting federal matching re-

quirements.			
(2) Immunization Activities			200,000
For immunization of preschool children and students.			
SOURCE OF FUNDS:			
(1) ASETF - Transfer	1,187,500		
Total Department of Public Health	1,187,500		1,187,500
10. HIGHER EDUCATION, ALABAMA COMMISSION ON:			
(a) Planning & Coordination Services Program			1,069,100
(b) Support of Other Educational Activities Program			5,091,703
(Of the above program $3,000,000 of the ASETF funds shall be expended for the Alabama Student Grant Program in accordance with Title 16, Chapter 33A, Sections 1 through 11, 1975 Code of Alabama as amended.)			
SOURCE OF FUNDS:			
(1) ASETF	4,069,100		
(2) Federal and Local Funds		2,091,703	
Total Alabama Commission on Higher Education	4,069,100	2,091,703	6,160,803
11. INDUSTRIAL DEVELOPMENT TRAINING INSTITUTE, ALABAMA:			
(a) Industrial Training Program			1,503,000
SOURCE OF FUNDS:			
(1) ASETF	1,450,000		
(2) Federal and Local Funds		53,000	
Total Alabama Industrial Development Training Institute	1,450,000	53,000	1,503,000

12. EMPLOYEES' INSURANCE, STATE			1,140,000
SOURCE OF FUNDS:			
(1) ASETF	1,140,000		
Total State Employees' Insurance	1,140,000		1,140,000
13. STATE BOARD OF EDUCATION - JUNIOR COLLEGE SCHOOL SYSTEM:			
(a) Postsecondary Two Year Institutions Program			74,634,018
SOURCE OF FUNDS:			
(1) ASETF	45,084,825		
(2) Federal and Local Funds		6,963,956	
(3) State Funds		250,174	
(4) Other Funds		16,637,397	
(5) Auxiliary Enterprises		5,697,666	
Total Junior College School System	45,084,825	29,549,193	74,634,018

This appropriation to the Alabama State Board of Education for the Junior College Equalization Account is to be used for operation and maintenance of the Junior Colleges listed herein and is to be distributed on the following formula:

(A) $200,000 to each Junior College.

(B) The remainder of the appropriation is to be allotted to each Junior College in accordance with its percentage of the total credit hours attempted for the four quarters of the school year 1982-83 by all the Junior Colleges listed in this appropriation, provided, however, the nursing and allied health credit hours will be funded on a cost basis based upon the 1982-83 academic year in accordance with the number of quarter hours attempted within the departments. However, only major allied health courses will be funded; related courses will be funded the same as non-health programs. Junior Colleges with credit producing programs in Alabama Correctional Institutions shall be reimbursed for tuition that is waived. Continuing education unit hours shall be excluded from the computations herein required. (The above appropriation is to be distributed to the following Junior Colleges:

(1) Alexander City State Junior College; (2) S.D. Bishop State Junior College; (3) Brewer State Junior College; (4) John C. Calhoun State Com-

munity College; (5) Chattahoochee Valley Community College (Phenix City); (6) Jefferson Davis State Junior College; (7) Enterprise State Junior College; (8) James H. Faulkner State Junior College; (9) Gadsden State Junior College; (10) Patrick Henry State Junior College; (11) Jefferson State Junior College; (12) Theodore A. Lawson State Community College; (13) Northeast Alabama State Junior College; (14) Northwest Alabama State Junior College; (15) Snead State Junior College; (16) Southern Union State Junior College; (17) George C. Wallace State Community College (Selma); (18) George C. Wallace State Community College (Dothan); (19) Lurleen B. Wallace State Junior College; (20) George C. Wallace Community College at Hanceville; (21) Shelton State Community College.) Of the above appropriations contained herein in Section 3-A-13 not more than the sum of $308,569 may be used by the State Board of Education-Postsecondary Education Department for administration of the Junior College School System.

14. LAW INSTITUTE, ALABAMA:		
(a) Support of Other Educational Activities Program		251,068
SOURCE OF FUNDS:		
(1) ASETF	251,068	
Total Alabama Law Institute	251,068	251,068
15. THEODORE A. LAWSON STATE COMMUNITY COLLEGE:		
(a) Postsecondary Two Year Institutions Program		15,000
SOURCE OF FUNDS:		
(1) ASETF	15,000	
Total Theodore A. Lawson State Community College	15,000	15,000
16. LEGISLATURE:		
(a) House Operations & Support Program		940,500
(b) Senate Operations & Support Program		627,000
(c) Legislative Data Processing Program		200,000
SOURCE OF FUNDS:		
(1) ASETF-Transfer	1,767,500	
Total Legislature	1,767,500	1,767,500
17. LIBRARY SERVICE, PUBLIC:		

(a) Public Library Service Program			4,727,983
The appropriation to the Public Library Service shall include a transfer to the State Personnel Department of $3,765.			
SOURCE OF FUNDS:			
(1) ASETF	3,494,490		
(2) Federal and Local Funds		1,233,493	
Total Public Library Service	3,494,490	1,233,493	4,727,983
18. MARINE ENVIRONMENTAL SCIENCES CONSORTIUM:			
(a) Support of Other Educational Activities Program			800,000
SOURCE OF FUNDS:			
(1) ASETF	600,000		
(2) Federal and Local Funds		200,000	
Total Marine Environmental Sciences Consortium	600,000	200,000	800,000
19. MEDICAL SCHOLARSHIPS AWARDS, BOARD OF:			
(a) Support of Other Educational Activities Program			704,000
SOURCE OF FUNDS:			
(1) ASETF	704,000		
Total Board of Medical Scholarships Awards	704,000		704,000
(To be expended under the provisions of Title 16, Chapter 47, Sections 121 through 129, 1975 Code of Alabama as amended.)			
20. MINIMUM PROGRAM AND PUBLIC SCHOOL FUND:			
(a) Financial Assistance Program			519,589,766

SOURCE OF FUNDS:			
(1) ASETF	474,913,281		
(2) Public School Fund		40,000,000	
(3) Local Funds		4,676,485	
Total Minimum Program and Public School Fund	474,913,281	44,676,485	519,589,766

The above appropriation shall be paid in accordance with Title 16, Chapter 13, Sections 50 through 59, 1975 Code of Alabama as amended, and all other legislation pertaining thereto.

The appropriation hereinabove set out for the fiscal year 1983-84 is based on 22,972 teacher units.

It is provided in the event there are more than 22,972 earned teacher units for the fiscal year 1983-84, then such amounts necessary to pay for these excess teacher units are hereby appropriated. It is further provided that in the event that there be less earned teacher units than those set out above then the amount that would have been necessary to pay for these earned teacher units shall not be allotted or paid.

In allocating the funds in sub-section (a) the State Board of Education shall allot as follows:

For "Board of Adjustment" awards in accordance with the Minimum Program statutes and regulations an amount not to exceed $150,000.

For "Salaries" the amount shall not exceed a total of $392,341,017. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided however, the total amount allotted for salaries shall remain the same.

Rank	Salary Allotment	Number of Teacher Units	Total
AA	$18,892	2,623.11	$ 49,555,794
I	17,689	12,846.14	227,235,370
II	15,401	7,502.75	115,549,853
III	12,967	0	0
IV	11,261	0	0
		22,972.00	$392,341,017

For "Other Current Expense" an amount not to exceed $3,185.32 for each earned teacher unit but the total shall not exceed the sum of $73,173,171. This amount includes level funding for all lunchroom worker salaries with the intent that all lunchrooms be fully funded by local school boards.

For "Capital Improvements" an amount not to exceed $64.87 for each earned teacher unit but the total shall not exceed the sum of $1,490,194.

For "Principal Supplement" an amount not to exceed the total of $2,297,200.

The above appropriation contained in sub-section (a) shall include an allotment for transportation in accordance with the formula adopted by the State Board of Education for the distribution of the funds to be used for transportation purposes but shall not exceed the sum of $50,138,184.

21. STATE BOARD OF EDUCATION-LOCAL BOARDS:

(a)	Financial Assistance Program		278,636,066
	SOURCE OF FUNDS:		
	(1) ASETF	278,636,066	
	Total State Board of Education-Local Boards	278,636,066	278,636,066

To be distributed by the State Board of Education for:

(a) Hospital Medical or Dental Insurance Assistance for Professional Staff, Support Staff, and Adult School Bus Drivers 21,444,990

Of the appropriation hereinabove made for Hospital Medical or Dental Insurance there is hereby appropriated the sum of three hundred fifty seven dollars ($357.00) per annum per teacher, administrative supervisory unit, full-time support employee, ~~and adult school~~ bus driver, provided that no more than $357.00 shall be appropriated per person.

(b) Teachers' Sick Leave 3,500,000

Of the appropriation hereinabove made for Teachers' Sick Leave, the rate of not more than $17 per day is hereby appropriated.

(c) Support Personnel Sick Leave 1,431,781

Of the appropriation hereinabove made for support

personnel sick leave in accordance with Title 16, Chapter 1, Section 18, 1975 Code of Alabama as amended, the rate of not more than $17 per day is hereby appropriated.

(d) Teachers' Personal Leave 957,707

The appropriation hereinabove made for Teachers' Personal Leave provides for two (2) days personal leave at $17 per teacher unit for each teacher employed (except ESEA Title I, Title IV and Title VI teachers and ESAA teachers).

(e) Funds to Replace Fees 9,457,230

Of the appropriation hereinabove made for Funds to Replace Fees there is hereby appropriated two hundred fifty dollars ($250) per teacher unit for grades K-12 for all teachers employed (except ESEA Title I, Title IV, and Title VI teachers and ESAA teachers).

(f) Maintenance ... 5,630,287

(g) Continuation of funds previously granted for Special Education 21,844,551

(h) Special Schools for Special Education 2,148,000

To be distributed by the State Board of Education as follows:

$350,000 shall be allocated to the Tuscaloosa Regional Handicapped School; $350,000 shall be allocated to the Southwest Alabama School for Deaf and Blind; $250,000 for

the Vivian B. Adams School; $25,000 shall be allocated to the Butler County Training School for the Mentally Retarded in Greenville, Alabama; $25,000 shall be allocated to the Hope Haven School in Colbert County; $25,000 shall be allocated to the Jasper Shriner School; $25,000 shall be allocated to the Montgomery Institute of Neurological Development in Montgomery, Alabama; $35,000 shall be allocated to the Birmingham Training Center for Brain-Injured Children in Birmingham, Alabama; $25,000 shall be allocated to Project Independence in Coffee County, Alabama; $50,000 shall be allocated to the Houston County Board of Education for the Vaughn-Blumberg Center for the Developmentally Disabled; $43,000 to Auburn University Preschool for Multihandicapped children; $75,000 to the Alice Pigman School; $75,000 to the **Montgomery County** Board of Education for the purpose of establishing a pilot program for deaf students in Public Schools; $300,000 shall be allocated to the McInnis School in Montgomery, Alabama; $50,000 shall be allocated to the Special Education School in Vinemont in Cullman County; $30,000 shall be allocated to the Geneva County Day Care and Training Center; $150,000 shall be allocated to the

Dothan City Board of Education for a pilot program for gifted children; $75,000 shall be allocated to the Cleveland School for the Handicapped; $35,000 shall be allocated to the South Talladega County Association for Retarded Citizens, Inc.; $10,000 shall be allocated to the ECHO FOUNDATION; $145,000 to the Alabama Institute for Deaf and Blind to implement the purposes of Title 16, Chapter 39, Section 3, 1975 Code of Alabama as amended, and P.L. 94-142.

(i) Kindergarten teacher units 29,600,990

The above appropriation is for 1,500 teacher units and includes salaries, other current expense, and capital improvements at the following rates:

For "Salaries" the sum shall not exceed a total of $24,725,705. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided however, the total amount allotted for salaries shall remain the same.

Rank	Salary Allotment	Number of Teacher Units	Total
AA	$18,892	58.35	$ 1,102,348
I	17,689	620.85	10,982,216
II	15,401	820.80	12,641,141
		1,500.00	$24,725,705

For "Other Current Expense" an amount not to exceed $3,185.32 for each earned teacher unit but the total shall not exceed the sum of $4,777,980. This amount includes level funding for all lunchroom worker salaries with the intent that all lunchrooms be fully funded by local school boards.

For "Capital Improvements" an amount not to exceed $64.87 for each earned teacher unit but the total shall not exceed the sum of $97,305.

(j) Continuation of Teacher Units to reduce pupil-teacher ratio in grades 1-6 13,211,272

The above appropriation

is for 650 teacher units and includes salaries, other current expense, and capital improvements at the following rates:

For "Salaries" the sum shall not exceed $11,098,649. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided however, the total amount allotted for salaries shall remain the same.

Rank	Salary Allotment	Number of Teacher Units	Total
AA	$18,892	74.03	$ 1,398,575
I	17,689	362.57	6,413,501
II	15,401	213.40	3,286,573
		650.00	$11,098,649

For "Other Current Expense" an amount not to exceed $3,185.32 for each earned teacher unit but the total shall not exceed the sum of $2,070,458. This amount includes level funding for all lunchroom worker salaries with the intent that all lunchrooms be fully funded by local school boards.

For "Capital Improvements" an amount not to exceed $64.87 for each earned teacher unit but the total shall not exceed the sum of $42,165.

(k) Supportive Teacher Units..... 34,093,756

The above appropriation provides for one extra unit or fraction thereof for each aggregate of fifteen units or fraction thereof earned on regular units in the Minimum Program, Kindergarten Teacher Units in (i), and Continuation Teacher Units in (j). The above appropriation is for 1,674 teacher units and includes salaries, other current expense, and capital improvements at the following rates:

For "Salaries" the sum shall not exceed $28,652,938. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided however, the total amount allotted for salaries shall remain the same.

Rank	Salary Allotment	Number of Teacher Units	Total
AA	$18,892	208.37	$ 3,936,526
I	17,689	937.17	16,577,600
II	15,401	528.46	8,138,812
		1,674.00	$28,652,938

For "Other Current Expense" an amount not to exceed $3,185.32 for each earned teacher unit but the total shall not exceed the sum of $5,332,226. This amount includes level funding for all lunchroom worker salaries with the intent that all lunchrooms be fully funded by local school boards.

For "Capital Improvements" an amount not to exceed $64.87 for each earned teacher unit but the total shall not exceed the sum of $108,592.

(l) Special Education Teacher Units..... 66,856,182

The above appropriation is for 3,250 teacher units and includes salaries, other current expense, capital improvements and transportation at the following rates:

For "Salaries" the sum shall not exceed $55,493,064. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided however, the total amount allotted for salaries shall remain the same.

Rank	Salary Allotment	Number of Teacher Units	Total
AA	$18,892	370.00	$ 6,990,040
I	17,689	1,813.00	32,070,157
II	15,401	1,067.00	16,432,867
		3,250.00	$55,493,064

For "Other Current Expense" an amount not to exceed $3,185.32 for each earned teacher unit but the total shall not exceed the sum of $10,352,290. This amount includes level funding for all lunchroom worker salaries with the intent that all lunchrooms be fully funded by local school boards.

For "Capital Improvements" an amount not to exceed $64.87 for each earned teacher unit but the total shall not exceed the sum of $210,828.

For "Transportation" the total shall not exceed $800,000.

(m) Driver Education Teacher Units..... 5,951,173

The above appropriation is for 290 driver education units or other teacher units as approved by the local Board of Education and includes salaries,

other current expense, and capital improvements at the following rates:

For "Salaries" the sum shall not exceed $5,008,618. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided however, the total amount allotted for salaries shall remain the same.

Rank	Salary Allotment	Number of Teacher Units	Total
AA	$18,892	36.90	$ 697,115
I	17,689	180.73	3,196,933
II	15,401	72.37	1,114,570
		290.00	$5,008,618

For "Other Current Expense" an amount not to exceed $3,185.32 for each earned teacher unit but the total shall not exceed the sum of $923,743. This amount includes level funding for all lunchroom worker salaries with the intent that all lunchrooms be fully funded by local school boards.

For "Capital Improvements" an amount not to exceed $64.87 for each earned teacher unit but the total shall not exceed the sum of $18,812.

(n) Vocational Education 62,508,147

The appropriation hereinabove for Vocational Education shall be disbursed or obligated in accordance with rules and regulations approved by the State Board of Education upon the recommendation of the State Superintendent. Of the $62,508,147, $1,200,000 shall be allocated for handicapped students in Vocational Education. Of the above appropriation for Vocational Education, one unit shall be allocated to the Vinemont High School in Cullman County.

22. NURSING, ALABAMA BOARD OF:

(a) Professional and Occupational **Licensing and Regulation Program**..... 687,500

The appropriation to the Alabama Board of Nursing shall include a transfer to the State Personnel Department of $816.

SOURCE OF FUNDS:

(1) ASETF-Transfer-as provided In title 34, Chapter 21, Sections 60 through 63, 1975 Code of Alabama as amended 57,000

(2) Alabama Board of Nursing Trust Fund - as provided in Title 34, Chapter 21,

1975 Code of Alabama as amended		630,500	
Total Alabama Board of Nursing	57,000	630,500	687,500
23. PEACE OFFICERS' STANDARDS AND TRAINING COMMISSION, ALABAMA:			
(a) Professional and Occupational Licensing and Regulation Program			146,998
(b) Certified Law Enforcement Academy Program			450,000
The appropriation to the Alabama Peace Officers' Standards and Training Commission shall include a transfer to the State Personnel Department of $188.			
SOURCE OF FUNDS:			
(1) ASETF	146,998		
(2) Alabama Peace Officers' Standards and Training Fund-as provided in Title 36, Chapter 21, 1975 Code of Alabama as amended		450,000	
Total Alabama Peace Officers' Standards and Training Commission	146,998	450,000	596,998
24. PHYSICAL FITNESS, COMMISSION ON:			
(a) Advisory Services Program			155,000
The appropriation to the Commission on Physical Fitness shall include a transfer to the State Personnel Department of $251.			
SOURCE OF FUNDS:			
(1) ASETF	155,000		
Total Commission on Physical Fitness	155,000		155,000

25. STATE BOARD OF EDUCATION-POSTSECONDARY VOCATIONAL-TECHNICAL EDUCATION SYSTEM:				
(a) Postsecondary Two Year Institutions Program				57,412,479
SOURCE OF FUNDS:				
(1) ASETF		37,755,071		
(2) Federal and Local Funds			2,124,780	
(3) State Funds			649,526	
(4) Other Funds			12,413,558	
(5) Auxiliary Enterprises			4,469,544	
Total Postsecondary Vocational-Technical Education System		37,755,071	19,657,408	57,412,479

(A) For the operations and maintenance of the Vocational-Technical Schools listed herein, to be distributed in accordance with a formula adopted by the State Board of Education. The formula for a given program may not differ between schools. The application of the formula shall be standard for all schools. Technical schools with programs generating contact hours at Alabama Correctional Institutions shall be reimbursed for tuition. The above appropriation is to be distributed to the following Vocational-Technical Schools:

(1) Atmore State Technical College; (2) Alabama Aviation and Technical College; (3) Alabama Technical College; (4) Harry M. Ayers State Technical College; (5) Bessemer State Technical College; (6) John C. Calhoun State Community College-Technical Division; (7) Carver State Technical College; (8) J. F. Drake State Technical College; (9) Gadsden State Technical Institute; (10) Richmond P. Hobson State Technical College; (11) J. F. Ingram State Technical College; (12) Theodore A. Lawson State Community College-Technical Division; (13) Douglas McArthur State Technical College; (14) Muscle Shoals State Technical College; (15) Northwest Alabama State Technical College; (16) N. F. Nunnelley State Technical College; (17) Opelika State Technical College; (18) John M. Patterson State Technical College; (19) Ed E. Reid State Technical College; (20) Shelton State Technical College; (21) Southwest State Technical College; (22) Chauncy Sparks State Technical College; (23) Council Trenholm State Technical College; (24) C. A. Fredd State Technical College; (25) Walker State Technical College; (26) George C. Wallace State Community College-Technical Division (Selma); (27) George C. Wallace State Community College-Technical Division (Dothan); (28) George C. Wallace State Community College-Technical Division (Hanceville). Of the above appropriations contained herein in Section 3-A-25 not more than the sum of $308,569 may be used by the State Board of Education-Postsecondary Education Department for administration of the Postsecondary Vocational-Technical Education System.

26. PUBLIC SCHOOL AND COLLEGE AUTHORITY,

ALABAMA:		
(a) Special Services Program		1,700,000
SOURCE OF FUNDS:		
(1) ASETF	1,700,000	
Total Alabama Public School and College Authority	1,700,000	1,700,000
27. RETIREMENT SYSTEM OF ALABAMA, EMPLOYEES' (ASETF SHARE):		
(a) Retirement Systems Program, Estimated		279,200
SOURCE OF FUNDS:		
(1) ASETF	279,200	
Total Employees' Retirement System of Alabama (ASETF Share)	279,200	279,200
28. RETIREMENT SYSTEM OF ALABAMA, TEACHERS' (ASETF SHARE):		
(a) Retirement Systems Program, Estimated		193,000,000
SOURCE OF FUNDS:		
(1) ASETF - Teachers' Retirement System, Estimated	169,309,000	
(2) ASETF - Teachers' Special Pension Fund, Estimated	23,691,000	
Total Teachers' Retirement System of Alabama (ASETF Share)	193,000,000	193,000,000
29. SHELTON STATE COMMUNITY COLLEGE-ALABAMA STATE FIRE COLLEGE:		
(a) Postsecondary Two Year Institutions Program		527,697
SOURCE OF FUNDS:		
(1) ASETF	227,993	

(2) Federal and Local Funds		299,704	
Total Shelton State Community College-State Fire College	227,993	299,704	527,697

30. SOCIAL SECURITY (ASETF SHARE):

(a) For State's share of Social Security, Estimated			97,281,145
SOURCE OF FUNDS:			
(1) ASETF	97,281,145		
Total Social Security (ASETF Share)	97,281,145		97,281,145

31. TENURE COMMISSION, STATE:

(a) Regulation Program			8,000
SOURCE OF FUNDS:			
(1) ASETF	8,000		
Total State Tenure Commission	8,000		8,000

32. TELEVISION COMMISSION, EDUCATIONAL:

(a) ~~Educational TV Services Program~~			2,785,678
(b) Public Radio Services Program			235,484
The appropriation to the Educational Television Commission shall include a transfer to the State Personnel Department of $5,271.			
SOURCE OF FUNDS:			
(1) ASETF	2,121,162		
(2) Federal and Local Funds		900,000	
Total Educational Television Commission	2,121,162	900,000	3,021,162

33. UNEMPLOYMENT COMPENSATION-LOCAL BOARDS:		3,500,000
SOURCE OF FUNDS:		
(1) ASETF, Estimated	3,500,000	
Total Unemployment Compensation Local Boards	3,500,000	3,500,000
34. VETERANS' EDUCATION BENEFITS:		
(a) Administration of Veterans' Affairs Program		2,200,000
SOURCE OF FUNDS:		
(1) ASETF-Transfer	2,200,000	
Total Veterans' Education Benefits	2,200,000	2,200,000

The above appropriation includes pro rata administration costs of the Department of Veterans Affairs and for the reimbursement to every State Institution of Higher Learning, College, University, Junior College, or Vocational-Technical School in which benefits are given to Veterans, their wives, widows, or children under the provision of Title 31, Chapter 5, 1975 Code of Alabama as amended.

35. YOUTH SERVICES, DEPARTMENT OF:	
(a) Youth Services Program	11,262,560

The appropriation to the Department of Youth Services shall include a transfer to the State Personnel Department of $21,209.

SOURCE OF FUNDS:			
(1) ASETF	10,318,769		
(2) Federal and Local Funds		943,791	
Total Department of Youth Services	10,318,769	943,791	11,262,560

(To be expended in accordance with Title 44, Chapter 1, 1975 Code of Alabama as amended.)

B. FINANCIAL ASSISTANCE TO NON-STATE EDUCATIONAL AGENCIES:

1. AMERICAN LEGION AND AUXILIARY SCHOLARSHIPS:

(a) Support of Other Educational Activities Program			5,200
SOURCE OF FUNDS:			
(1) ASETF	5,200		
Total American Legion and Auxiliary Scholarships	5,200		5,200

(To be expended under the provisions of Title 16, Chapter 31, Sections 1 through 4, 1975 Code of Alabama as amended.)

2. SYLACAUGA NURSES TRAINING SCHOOL:

(a) Support of Other Educational Activities Program			84,600
SOURCE OF FUNDS:			
(1) ASETF	84,600		
Total Sylacauga Nurses Training School	84,600		84,600

3. DAR SCHOOL:

(a) Support of Other Educational Activities Program			17,000
SOURCE OF FUNDS:			
(1) ASETF	17,000		

Total DAR School	17,000		17,000

4. ENVIRONMENTAL QUALITY ASSOCIATION, ALABAMA:

The Alabama Legislature recognizes:

(1)the limited funding sources that are available at this time for the delivery of State services; (2) the important contribution to the public that is being made by the Alabama Environmental Quality Association; and (3) the sound financial status that said Association has achieved. Now, therefore, the Alabama Legislature hereby authorizes the continued operation of the Alabama Environmental Quality Association for the 1983-84 fiscal year, and that such operation during that time period be funded from said Association's own funding sources.

Section 4.

COLLEGES, UNIVERSITIES AND SCHOOLS

I. BOARD OF TRUSTEES OF UNIVERSITY OF ALABAMA:

A. The University

1.	Operations and Maintenance	37,632,677	25,682,000	63,314,677
2.	Gadsden Educational Programs	206,000	79,000	285,000
3.	Center for Emotionally Disturbed Children	548,000	30,000	578,000
4.	Legal Education/Research	185,000		185,000
5.	Nursing Scholarships	18,000		18,000
6.	Capstone Medical Center	862,000	665,130	1,527,130
7.	Alabama Museum of Natural History	172,000	67,900	239,900

8. College of Community Health Sciences Medical Education	2,503,000	141,200	2,644,200
9. Research, Extension and Public Service	2,139,000	353,956	2,492,956
10. School of Mines and Energy Development	1,883,000		1,883,000
11. Advocacy Program for the Developmentally Disabled	25,000		25,000
12. Emergency Medical Services	145,000		145,000
13. Rural Infant Stimulation Environment Program	169,000		169,000
14. High Risk Nursery	117,000		117,000
15. Safe State and Research and Development Program	378,000		378,000
16. Auxiliary Enterprises		21,707,774	21,707,774
17. Restricted Funds		13,218,000	13,218,000
SOURCE OF FUNDS:			
(1) ASETF	46,982,677		
(2) Other Funds		61,944,960	
Total University of Alabama	46,982,677	61,944,960	108,927,637
B. University of Alabama in Birmingham			
1. University College	15,826,766	17,506,748	33,333,514
2. Family Practice Residency Programs	1,598,836		1,598,836

The above appropriation shall be expended for residency programs as follows:

Anniston	251,726
East End	251,726
Jefferson County	251,726

	Montgomery	251,726		
	Selma	340,206		
	Gadsden	251,726		
3.	School of Medicine	17,391,769	11,620,000	29,011,769
4.	University Hospitals	5,952,098	146,497,186	152,449,284
5.	School of Optometry	2,403,236	1,571,140	3,974,376
6.	School of Community and Allied Health	2,190,921	994,700	3,185,621
7.	Regional Technical Institute	1,969,736	245,300	2,215,036
8.	Joint Health Sciences	3,219,285	942,000	4,161,285
9.	Department of Pediatrics	417,145		417,145
10.	Center for Labor Education and Research	270,789		270,789
11.	Student Nurses Loans	12,000		12,000
12.	Urban Research and Public Service	512,005		512,005
13.	School of Dentistry	7,688,697	4,188,100	11,876,797
14.	Nursing Scholarships	88,000		88,000
15.	System Medical Education Program	502,693		502,693
16.	School of Nursing	3,430,027	1,167,281	4,597,308
17.	Health-Related Research and Public Service	2,903,774		2,903,774
18.	Public Health Research Program	143,534		143,534
19.	Emergency Medical Service and Training	164,630		164,630
20.	Medical Genetics Program	389,501		389,501
21.	Hypertension Research	399,351		399,351
22.	Multipurpose Arthritis Center	399,351		399,351
23.	School of Engineering and Business	438,869		438,869
24.	School of Public Health	1,508,672	352,380	1,861,052
25.	Montgomery Internal Medical Residency	234,959		234,959
26.	Research Development & Relations	149,409		149,409
27.	Center for Basic Sciences Reward for Cystic Fibrosis	85,000		85,000
28.	Center for Diagnosis and Treatment of Congenital Heart Disease	85,000		85,000
29.	Special Mental Health		3,659,382	3,659,382

	Of this amount, $205,094 shall be expended for Psychiatric Research.			
30.	Center for Developmental and Learning Disorders		618,596	618,596
31.	Biomedical Sciences Program	75,000		75,000
32.	Auxiliary Enterprises		8,056,200	8,056,200
33.	Restricted Funds		48,000,000	48,000,000
	SOURCE OF FUNDS:			
	(1) ASETF	70,451,053		
	(2) Special Mental Health Trust Fund		4,277,978	
	(3) Other Funds		241,141,035	
	Total University of Alabama in Birmingham	70,451,053	245,419,013	315,870,066
C.	University of Alabama in Huntsville			
1.	Operations and Maintenance	7,999,666	10,803,898	18,803,564
2.	Nursing Scholarships	18,000		18,000
3.	School of Primary Medical Care	2,812,903	135,947	2,948,850
4.	Johnson Environmental and Energy Center	361,154	7,529	368,683
5.	Ambulatory Care Center	848,017	582,000	1,430,017
6.	School of Nursing	937,457	285,582	1,223,039
7.	Paramedic Training	123,468	31,629	155,097
8.	Alabama Solar Energy Center	356,667	7,441	364,108
9.	Center for Management and Economic Research	46,800		46,800
10.	Community Medicine Rural Preceptorship Program	32,538		32,538
11.	Research Institute	150,000	136,574	286,574
12.	Auxiliary Enterprises		2,356,632	2,356,632
	SOURCE OF FUNDS:			
	(1) ASETF	13,686,670		
	(2) Other Funds		14,347,232	
	Total University of Alabama in Huntsville	13,686,670	14,347,232	28,033,902

II. Board of Trustees of Alabama A & M

	University			
A.	Alabama A & M University			
	1. Operations and Maintenance	9,512,416	12,182,000	21,694,416
	2. Vocational Teacher Training	264,595		264,595
	3. Cooperative Extension, Research and Service	300,000		300,000
	4. Auxiliary Enterprises		4,586,995	4,586,995
	SOURCE OF FUNDS:			
	(1) ASETF	10,077,011		
	(2) Other Funds		16,768,995	
	Total Alabama A & M University	10,077,011	16,768,995	26,846,006
III.	Board of Trustees of Alabama State University			
	A. Alabama State University			
	1. Operations and Maintenance	8,702,976	9,325,326	18,028,302
	2. Auxiliary Enterprises		4,095,482	4,095,482
	SOURCE OF FUNDS:			
	(1) ASETF	8,702,976		
	(2) Other Funds		13,420,808	
	Total Alabama State University	8,702,976	13,420,808	22,123,784
IV.	State Board of Education			
A.	Athens State College			
	1. Operations and Maintenance	2,025,676	890,369	2,916,045
	2. Auxiliary Enterprises		202,088	202,088
	SOURCE OF FUNDS:			
	(1) ASETF	2,025,676		
	(2) Other Funds		1,092,457	
	Total Athens State College	2,025,676	1,092,457	3,118,133
V.	Board of Trustees of Auburn University			
A.	Auburn University			

1.	Operations and Maintenance	41,935,326	41,507,352	83,442,678
2.	Educational Television	386,506		386,506
3.	Center for Vocational and Adult Education	548,910		548,910
4.	Clinical Psychology	120,760		120,760
5.	Ralph Draughon Library	225,000		225,000
6.	Engineering Experiment Station	1,169,351		1,169,351
7.	Public Service, Research and Extension	396,159		396,159
8.	Energy Research	282,971		282,971
9.	Food Animal Health & Disease Research	350,000		350,000
10.	Auxiliary Enterprises		21,823,360	21,823,360
	SOURCE OF FUNDS:			
	(1) ASETF	45,414,983		
	(2) Other Funds		63,330,712	
	Total Auburn University	45,414,983	63,330,712	108,745,695
B.	Agricultural Experiment Station			
1.	Operations and Maintenance	8,696,497	11,476,975	20,173,472
	SOURCE OF FUNDS:			
	(1) ASETF	8,696,497		
	(2) Other Funds		11,476,975	
	Total Agricultural Experiment Station	[illegible]	[illegible]	[illegible]
C.	Cooperative Extension Service			
1.	Operations and Maintenance	9,420,710	9,935,891	19,356,601
2.	Retirement	1,400,000		1,400,000
	SOURCE OF FUNDS:			
	(1) ASETF	10,820,710		
	(2) Other Funds		9,935,891	
	Total Cooperative Extension Service	10,820,710	9,935,891	20,756,601

D. Auburn University at Montgomery

1.	Operations and Maintenance	7,177,834	6,839,365	14,017,199
2.	Montgomery Area Community Health Sciences Institute	50,949		50,949
3.	Public Service, Research and Extension (Center for Government and Public Affairs)	167,751	75,647	243,398
4.	Auxiliary Enterprises		1,803,079	1,803,079
5.	Nursing Scholarships	18,000		18,000
	SOURCE OF FUNDS:			
	(1) ASETF	7,414,534		
	(2) Other Funds		8,718,091	
	Total Auburn University at Montgomery	7,414,534	8,718,091	16,132,625
VI.	Board of Trustees of Jacksonville State University			
A.	Jacksonville State University			
1.	Operations and Maintenance	11,942,641	7,540,000	19,482,641
2.	Cooperative University Upper Division Program - Gadsden	464,000	25,000	489,000
3.	Nursing Scholarships	18,000		18,000
4.	United Cerebral Palsy Development Center for East Central Alabama	100,793		100,793
5.	Vocational Teacher Training	100,793		100,793
6.	Auxiliary Enterprises		2,587,468	2,587,468
	SOURCE OF FUNDS:			
	(1) ASETF	12,626,227		
	(2) Other Funds		10,152,468	
	Total Jacksonville State University	12,626,227	10,152,468	22,778,695
VII.	Board of Trustees of Livingston University			
A.	Livingston University			
1.	Operations and Maintenance	4,200,680	1,435,455	5,636,135
2.	Nursing Scholarships	18,000		18,000
3.	Auxiliary Enterprises		1,604,722	1,604,722

SOURCE OF FUNDS:			
(1) ASETF	4,218,680		
(2) Other Funds		3,040,177	
Total Livingston University	4,218,680	3,040,177	7,258,857
VIII. Board of Trustees of University of Montevallo			
A. University of Montevallo			
1. Operations and Maintenance	6,189,577	3,784,221	9,973,798
2. School for Aphasic Children	220,295		220,295
3. Highway Safety Program	137,579		137,579
4. Communication Center	69,597		69,597
5. Auxiliary Enterprises		2,924,185	2,924,185
SOURCE OF FUNDS:			
(1) ASETF	6,617,048		
(2) Other Funds		6,708,406	
Total University of Montevallo	6,617,048	6,708,406	13,325,454
IX. Board of Trustees of University of North Alabama			
A. University of North Alabama			
1. Operations and Maintenance	8,527,617	5,941,013	14,468,630
2. Research and Public Service	250,000		250,000
3. Nursing Scholarships	18,000		18,000
4. Auxiliary Enterprises		2,318,006	2,318,006
SOURCE OF FUNDS:			
(1) ASETF	8,795,617		
(2) Other Funds		8,259,019	
Total University of North Alabama	8,795,617	8,259,019	17,054,636
X. Board of Trustees of University of South Alabama			
A. University of South Alabama			
1. Operations and Maintenance	12,540,960	21,681,008	34,221,968
2. Medical Research and Public Service	284,223		284,223

3.	Family Practice Residency Program	568,293		568,293
4.	College of Medicine	9,285,484	5,092,958	14,378,442
5.	Medical Center Hospital	1,144,714	39,349,557	40,494,271
6.	College of Allied Health	770,640	261,300	1,031,940
7.	School of Nursing	709,493	320,930	1,030,423
8.	Nursing Scholarships	18,000		18,000
9.	Paramedic Training Program	140,808	75,000	215,808
10.	Newborn Growth and Development Program	80,834		80,834
11.	Birth Defects and Genetic Center	199,587		199,587
12.	Research, Public Service and Extension	92,916	60,000	152,916
13.	Basic Medical Sciences	276,400	75,000	351,400
14.	Auxiliary Enterprises		6,457,386	6,457,386
	SOURCE OF FUNDS:			
	(1) ASETF	26,112,352		
	(2) Other Funds		73,373,139	
	Total University of South Alabama	26,112,352	73,373,139	99,485,491

XI. Board of Trustees of Troy State University

A. Troy State University

1.	Operations and Maintenance at Troy	7,661,057	7,041,245	14,702,302
2.	Operations and Maintenance at Ft. Rucker/Dothan	1,158,262	1,410,610	2,568,872
3.	Operations and Maintenance at Montgomery	417,999	1,531,200	1,949,199
4.	Nursing Scholarships	36,000		36,000
5.	Operations and Maintenance at Bay Minette	112,471	160,000	272,471
6.	Library at Montgomery	120,000		120,000
7.	School of Nursing-Montgomery	250,000	1,075	251,075
8.	Branch Campus at Phenix City	219,341	310,894	530,235
9.	Auxiliary Enterprises		3,853,925	3,853,925
	SOURCE OF FUNDS:			
	(1) ASETF	9,975,130		

(2) Other Funds		14,308,949	
Total Troy State University	9,975,130	14,308,949	24,284,079
XII. Board of Trustees for Alabama Institute for Deaf and Blind			
1. Children and Youth Programs	6,428,326	1,026,438	7,454,764
2. E. H. Gentry Technical Facility	1,865,476	2,158,545	4,024,021
3. Industries for the Blind	577,090	9,722,592	10,299,682
SOURCE OF FUNDS:			
(1) ASETF	8,870,892		
(2) Other Funds		12,907,575	
Total Alabama Institute for Deaf and Blind	8,870,892	12,907,575	21,778,467

Section 5.

A. SPECIAL MENTAL HEALTH FUND:

(1) There is hereby appropriated from the Special Mental Health Trust Fund to the Board of Trustees of the University of Alabama for the University of Alabama in Birmingham $3,659,382 to be expended for Special Mental Health.

(2) There is hereby appropriated from the Special Mental Health Trust Fund to the Board of Trustees of the University of Alabama for the University of Alabama in Birmingham $618,596 to be expended for the Center for Developmental and Learning Disorders.

B. ALABAMA BOARD OF NURSING TRUST FUND:

There is hereby appropriated from the Alabama Board of Nursing Trust Fund to the Alabama Board of Nursing $630,500 to be expended for the Professional and Occupational Licensing and Regulation Program.

C. ALABAMA PEACE OFFICERS' STANDARDS AND TRAINING FUND:

There is hereby appropriated from the Alabama Peace Officers' Standards and Training Fund to the Alabama Peace Officers' Standards and Training Commission $450,000 to be expended for the Certified Law Enforcement Academy Program.

D. PUBLIC SCHOOL FUND:

For the Public School Fund all funds derived from the levy of the special annual tax of thirty cents on each one hundred dollars ($100) of taxable property in this State for the support and maintenance of the public schools and from other funds mentioned and enumerated in Section 257, 258, and 259 of the Constitution of 1901 and the amount appropriated from all other funds as is now provided by law, provided, however, not more than four percent of all funds appropriated in this Section shall be used or expended otherwise than for the payment of teachers employed in such schools. There

is hereby appropriated forty million dollars ($40,000,000) from the Public School Fund for the Minimum Program Fund to be expended under the Financial Assistance Program as shown in subsection 3-A-20(a). If the Public School Fund receives more revenue than appropriated for the fiscal year ending September 30, 1984, the excess in revenue shall be carried over as a beginning balance for the fiscal year beginning October 1, 1984.

Section 6. The State Superintendent of Education shall make requisition on the State Comptroller in favor of the proper beneficiary in accordance with the law and rules and regulations governing the expenditure or disbursement of any and all funds appropriated to the State Department of Education and/or the State Board of Education in this Act, whereupon the Comptroller shall issue his warrant therefor. All other appropriations in this Act shall be paid on request by the Comptroller in the manner now provided by law.

Section 7. Nothing in this Act shall be construed to affect or repeal any law authorizing or permitting any college, school or other education or eleemosynary institution of the State to receive, collect or disburse any fees, tuitions, charges, sales, endowments, trusts or income therefrom, which are now or may hereafter be authorized to receive, collect or disburse. The receiving college, school or institution shall further maintain separate accounts for such receipts or shall maintain a system of accounting which will show a cash flow of such receipts received under the provision of this appropriation. Further, all state, county and education entities are authorized to disburse such funds as deemed necessary by mutual agreement between said entities and the State of Alabama, Department of Examiners of Public Accounts to partially defray the cost of auditing services performed by said agency. All such sums are hereby appropriated and reappropriated if necessary to the Department of Examiners of Public Accounts for audit services, to be expended through the fund established by the Code of Alabama 1975, Section 41-5-24.

Section 8. The provisions of this Act are severable. If any section, paragraph, sentence, clause, provision, or portion of this Act or all or any portion of any appropriation or appropriations herein made be held unconstitutional or invalid, such holding shall not affect any other section, paragraph, sentence, clause, provision or portion of this Act or any other appropriation or appropriations or portion thereof hereby made.

Section 9. This act shall become effective on October 1, 1983.

SUBSTITUTE MOTION TABLED

On motion of Rep. Coburn, the substitute motion offered by Rep. Box that the House non-concur in the Senate amendment to the bill, H. 245, and request a Committee on Conference be appointed to reconcile the differences between the two Houses on the Senate amendment to the bill, was tabled.

Yeas 81; Nays 6.

Yeas:

Mr. Speaker, Ashley, Biddle, Blake, Bowling, Brakefield, Brooks, Browder, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Harper, Harvey, Hettinger, Holley, Holmes, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Laird, Langford, Lauderdale, Layton, Lewis, Manley,

Mathis, Minus, Mitchell, Moore, Murphy, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Reed, Rice, Richardson, Rogers, Sasser, Scott, Smith, Starkey, Starr, Stout, Trammell, Turner, Venable, Waggoner, Warren, White (F.), White (L.), Wilson, Wright and Zoghby.

—81

Nays: Reps.: Box, Hammett, Howard, McMillan, Rains and Thornton. —6

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the House amendment to the following Senate Bill:

S. 377. Relating to Mobile County; providing that the operation of bingo games for prizes or money only by qualified organizations for bona fide charitable, educational, or other lawful purposes shall be legal in Mobile County; grandfathering in certain non-profit organizations which have had public bingo games over a certain period and proposing a location for any future bingo or other gaming operations; providing for permits or licenses, applications, forms and contents to operate bingo, providing for special permits or licenses, prohibiting certain activities and imposing special requirements; providing for fees and expenses; providing for the disposition of proceeds; providing for the operation of bingo; providing for the keeping of records and their inspection; providing for the issuance and revocation of permits or licenses; providing for supervision by the circuit court; providing for certain powers and duties of the sheriff; providing for penalties and forfeitures; and providing that this Act shall become effective upon the adoption of an amendment to the Constitution of Alabama authorizing bingo in Mobile County, and approved at a referendum on the subject in the county; provided, however, if said amendment is approved by a majority of the voters casting ballots thereon in Mobile County, no further referendum is needed.

McDOWELL LEE,
Secretary.

H. 245 RESUMED

SENATE AMENDMENT ADOPTED

The question was then on the motion offered by Rep. Coburn that the House concur in and adopt the Senate amendment to the bill, H. 245, and the motion was adopted.

Yeas 98; Nays 1.

Yeas:

Mr. Speaker, Adams, Ashley, Biddle, Blake, Blakeney, Boles, Bowling, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Turner, Turnham,

Venable, Waggoner, Warren, White (F.), White (L.), Wilson, Wright and Zoghby.

—98

Nay: Rep. Box. —1

MOTION TO SUSPEND RULE ADOPTED

On motion of Rep. Coburn, Rule 24 was suspended in order to transmit the bill, H. 245, to the Governor.

And the bill, H. 245 as thus amended, was again read at length and passed.

Yeas 98; Nays 2.

Yeas:

Mr. Speaker, Adams, Ashley, Biddle, Blake, Blakeney, Boles, Bowling, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Turner, Turnham, Venable, Waggoner, Warren, White (F.), White (L.), Wilson, Wright and Zoghby.

—98

Nays: Reps.: Box and Hall. —2

MESSAGE FROM THE SENATE

Mr. Speaker

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 236. To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, for other functions of government, for interest on the public debt, and for capital outlay for the fiscal year ending September 30, 1984.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Coburn, the House non-concurred in the Senate amendment to the bill, H. 236, and requested a Committee on Conference be appointed to reconcile the differences between the two Houses on the Senate amendment to the bill, said Senate amendment being as follows:

Amend House Bill 236 as substituted by the Finance and Taxation Committee on page 116, after line 21 by inserting a new Section 6 as follows, and by renumbering the remaining sections accordingly:

"Section 6. Under the State and Local Fiscal Assistance Act of 1972,

as amended, Public Law 92-512, 92nd Congress, any interest earned by the State thereon, together with any accruals or reversions accruing from Revenue Sharing Investments are hereby appropriated for General Government to be spent at the discretion of the Governor."

Further amend House Bill 236 as substituted on page 36, after line 25 by inserting the following:

"The appropriation to the Foreign Trade Relations Commission shall include a transfer to the State Personnel Department of $126."

A BILL
TO BE ENTITLED
AN ACT

To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, for other functions of government, for interest on the public debt, and for capital outlay for the fiscal year ending September 30, 1984.

Be It Enacted by the Legislature of Alabama:

Section 1. The monies in Section 2 are appropriated from the named funds for the 1983-84 fiscal year to the state agency indicated, as the amounts to be used to pay the expenditures of the named agencies, and are in lieu of all monies appropriated for these purposes in other sections of the Alabama Statutes.

For the purpose of this Act, the amounts herein for expenditures are listed by programmatic area and the total for all programs are shown by the source of funds. It is intended that only the named funds be appropriated to the agency concerned; and that the following definitions shall be applicable:

(a) "Appropriation Total" shall mean the aggregate total of all fund sources.

(b) "Program" shall mean specific governmental services required to achieve a specific objective. A program shall be directed to meeting the need of an identified clientele, or group of recipients or beneficiaries.

(c) "Capital Outlay" shall mean expenditures which result in the acquisition and/or addition to items, such as land or buildings, which have an appreciable and calculable period of usefulness in excess of one year, and shall be expended only for such purposes.

(d) "Debt Service" shall mean an expenditure for the payment of interest and principal on all bonded debt obligations of the State, and shall be expended only for such purposes.

Section 2. There is hereby appropriated for the ordinary expenses of the executive, legislative, and judicial departments of the State, for other functions of government, for the principal and interest on the public debt, and for capital outlay for the fiscal year ending September 30, 1984, to be paid out of any monies hereinafter specified, from such other funds and accounts as may be designated, or so much thereof as may be necessary, and the total amount to be expended for the items for which the appropriation is herein made shall not exceed the amount provided therefor, except as provided in the Budget Management Act of 1976, Title 41, Chapter 19, Sections 1 through 12, 1975 Code of Alabama as amended. Provided, however, that regardless of the ending date of any pay period which has been or may

be established by the Legislature for the payment of salaries of state employees, the entire payment due shall be made from the fiscal year's appropriation in which the pay date falls.

A. LEGISLATIVE:

1. EXAMINERS OF PUBLIC ACCOUNTS, DEPARTMENT OF:

(a) Legislative Support-Audit Services Program		3,874,369
The appropriation to the Examiners of Public Accounts shall include a transfer to the State Personnel Department of $8,220.		
SOURCE OF FUNDS:		
(1) State General Fund	3,874,369	
Total Department of Examiners of Public Accounts	3,874,369	3,874,369

2. LEGISLATIVE COUNCIL:

(a) Legislative Operations and Support Program		150,000
(For Operations of the Council including out-of-state travel by Council members and members of the Legislature authorized to attend Legislative conferences by joint resolution of the Legislature.)		
SOURCE OF FUNDS:		
(1) State General Fund	150,000	
Total Legislative Council	150,000	150,000

3. LEGISLATIVE FISCAL OFFICE:

(a) Legislative Operations and Support Program		449,675
SOURCE OF FUNDS:		
(1) State General Fund	449,675	
Total Legislative Fiscal Office	449,675	449,675

4. LEGISLATIVE REFERENCE SERVICE:

(a) Legislative Operations and Support Program		800,000
The appropriation to the Legislative Reference Service shall include a transfer to the State Personnel Department of $502.		
SOURCE OF FUNDS:		
(1) State General Fund	800,000	
Total Legislative Reference Service	800,000	800,000

5. LEGISLATURE:

(a) Senate Operations and Support Program		1,214,495
(b) House Operations and Support Program		1,821,743
SOURCE OF FUNDS:		
(1) State General Fund	3,036,238	
Total Legislature	3,036,238	3,036,238

6. LEGISLATURES, NATIONAL CONFERENCE OF STATE:

(a) Legislative Operations and Support Program		53,359
SOURCE OF FUNDS:		
(1) State General Fund	53,359	
Total National Conference of State Legislatures	53,359	53,359

B. JUDICIAL:

1. COURT OF CIVIL APPEALS:

(a) Court Operations Program		776,160
SOURCE OF FUNDS:		
(1) State General fund	776,160	
Total Court of Civil Appeals	776,160	776,160

2. COURT OF CRIMINAL APPEALS:

(a) Court Operations Program....			1,243,209
SOURCE OF FUNDS:			
(1) State General Fund	1,243,209		
Total Court of Criminal Appeals	1,243,209		1,243,209
3. JUDICIAL INQUIRY COMMISSION:			
(a) Administrative Services Program			73,511
SOURCE OF FUNDS:			
(1) State General Fund	73,511		
Total Judicial Inquiry Commission	73,511		73,511
4. JUDICIAL RETIREMENT SYSTEM:			
(a) Retirement Systems Program .			1,216,200
SOURCE OF FUNDS:			
(1) State General Fund	1,216,200		
Total Judicial Retirement System	1,216,200		1,216,200
5. SUPREME COURT:			
(a) Court Operations Program....			3,062,524
SOURCE OF FUNDS:			
(1) State General Fund	3,047,524		
(2) Federal, Local and Miscellaneous Funds		15,000	
Total Supreme Court.....	3,047,524	15,000	3,062,524
6. UNIFIED JUDICIAL SYSTEM: (Administrative Office of Courts)			
(a) Court Operations Program....			43,231,519
(b) Administrative Services Program			3,171,701
(c) Judicial Education and Training Program			300,000

SOURCE OF FUNDS:			
(1) State General Fund	46,703,220		
Total Unified Judicial System.	46,703,220		46,703,220

C. EXECUTIVE

1. ACADEMY OF HONOR, ALABAMA:

(a) Historical Resources Management Program			850
SOURCE OF FUNDS:			
(1) State General Fund as provided in Title 41, Chapter 11, Section 6, 1975 Code of Alabama ...	850		
Total Alabama Academy of Honor	850		850

2. ACCOUNTANCY, ALABAMA STATE BOARD OF PUBLIC:

(a) Professional and Occupational Licensing and Regulation Program			246,065
SOURCE OF FUNDS:			
(1) Alabama State Board of Public Accountancy Fund As provided in Title 34, Chapter 1, Section 22, 1975 Code of Alabama. In addition to the amounts **appropriated hereinabove** to the State Board of Public Accountancy, there is hereby appropriated such an amount as may be necessary to pay the refund of any application for license which may have been rejected by the Board or withdrawn by request of applicant.		246,065	
Total Alabama State Board of Public Accountancy		246,065	246,065

3. ADJUSTMENT, BOARD OF:

(a) Special Services Program			182,750
SOURCE OF FUNDS:			
(1) State General Fund for the General Fund Contribution to the total expenditure of $350,000 pursuant to Title 41, Chapter 9, Section 73, 1975 Code of Alabama	12,750		
(2) State General Fund for expenditures as provided in Title 31, Chapter 3 and Title 36, Chapter 30, Article 1, 1975 Code of Alabama, Estimated	170,000		
Total Board of Adjustment	182,750		182,750
4. AERONAUTICS, DEPARTMENT OF:			
(a) Airport Development and Aeronautical Support Program			666,613
The appropriation to the Department of Aeronautics shall include a transfer to the State Personnel Department of $314.			
SOURCE OF FUNDS:			
(1) Airport Development Fund. As provided by Title 4, Chapter 2, Section 42, 1975 Code of Alabama		666,613	
Total Department of Aeronautics		666,613	666,613
5. AGING, COMMISSION ON:			
(a) Planning and Advocacy for Elderly Program			13,444,892
The appropriation to the Commission on Aging shall include a transfer to the State Personnel Department of $1,004.			
(b) Retired Senior Volunteer Program			303,150

The above appropriation to the Retired Senior Volunteer Program shall be distributed in the following manner: $34,664 to the Foster Grandparent and Senior Companion Programs and $268,486 to the Retired Senior Volunteer Programs.			
SOURCE OF FUNDS:			
(1) State General Fund-Transfer	1,125,582		
(2) Federal, Local and Miscellaneous Funds		12,622,460	
Total Commission on Aging	1,125,582	12,622,460	13,748,042
6. AGRICULTURAL CENTER BOARD:			
(a) Agricultural Development Services Program			521,344
The appropriation to the Agricultural Center Board shall include a transfer to the State Personnel Department of $753.			
SOURCE OF FUNDS:			
(1) State General Fund For expense and awarding of prizes for fairs as provided in Title 2, Chapter 7, Article 2, 1975 Code of Alabama.	102,000		
(2) State General Fund-Transfer	260,944		
(3) Livestock Coliseum Fund		158,400	
Total Agricultural Center Board	362,944	158,400	521,344
7. AGRICULTURAL AND INDUSTRIAL EXHIBIT COMMISSION, ALABAMA:			
(a) Agricultural Development Services Program			26,714
SOURCE OF FUNDS:			
(1) State General Fund	26,714		

Total Alabama Agricultural and Industrial Exhibit Commission	26,714		26,714

8. AGRICULTURE AND INDUSTRIES, DEPARTMENT OF:

(a) Administrative Services Program			1,082,481
(b) Agricultural Inspection Services Program			9,499,486
(c) Laboratory Analysis and Disease Control Program			2,762,514
(d) Agricultural Arena			25,000
(e) Agricultural Development Services Program			675,894
The appropriation to the Department of Agriculture and Industries shall include a transfer to the State Personnel Department of $28,551.			
SOURCE OF FUNDS:			
(1) State General Fund-Transfer	6,044,718		
(2) Federal, Local and Miscellaneous Funds		1,243,657	
(3) Shipping Point Inspection Fund		4,557,000	
Pursuant to Title 2, Chapter 9, Sections 20 and 21, 1975 Code of Alabama. All fees and charges collected by the Commissioner of Agriculture and Industries and deposited into said fund, and such appropriation to the Department of Agriculture and Industries shall include all fees and charges collected and deposited therein for Shipping Point Inspection grading and classification services for agricultural products including services furnished for weighing and issuing weight cer-			

tificates to be used for the sale of agricultural commodities.			
(4) Agricultural Fund		2,200,000	
Total Department of Agriculture and Industries	6,044,718	8,000,657	14,045,375
9. AIR TRANSPORTATION AND SERVICES, DEPARTMENT OF:			
(a) Administrative Support Services Program			1,795,928
SOURCE OF FUNDS:			
(1) State General Fund-Transfer	1,695,928		
(2) Departmental Receipts ...		100,000	
Total Department of Air Transportation and Services ..	1,695,928	100,000	1,795,928
10. ALCOHOLIC BEVERAGE CONTROL BOARD, ALABAMA:			
(a) Alcoholic Beverage Management Program			22,413,093
(b) Licensing, Regulation and Enforcement Program			6,903,324
(c) Administrative Services Program			4,051,120
The appropriation to the Alabama Alcoholic Beverage Control Board shall include a transfer to the State Personnel Department of $64,694, and to the Department of Mental Health of $1,000,000.			
SOURCE OF FUNDS:			
(1) ABC Board Fund		33,367,537	
In addition to the above appropriations herein made, there is hereby appropriated for each additional retail store put into operation during the fiscal year, an amount equal to the sum required to install and operate the last comparable retail			

store put into operation by said Board provided, however, that the sum appropriated for the operation of retail stores as provided herein shall be reduced in like manner for each retail store closed or withdrawn from operation during the same period. There is further appropriated to the Alabama Alcoholic Beverage Control Board, after provision has been made for the other expenditures herein authorized such sums as are or may be necessary to purchase the alcoholic beverages which are essential to maintain adequate stocks and inventory for an economic and successful sales operation. In addition to the above appropriation, it is further provided that, in the event any county or municipality of the State shall, during the fiscal period covered by this appropriation by proper referendum, authorize the legal sale of malt and brewed beverages within such county or municipality there is further appropriated, in addition to the amount herein set out, an amount comparable to that expended during the prior fiscal year for beer and license tax supervision within counties or municipalities of similar size and population. Provided, further that the amount appropriated herein shall be reduced in like manner in the event any county or municipality wherein malt and brewed beverages are now authorized by law to be sold shall, during the fiscal period covered by this appropriation by proper referendum, declare unlawful the sale in such county or municipality of such malt or brewed beverages.

Total Alabama Alcoholic Beverage Control Board		33,367,537	33,367,537
11. ARCHITECTS BOARD FOR REGISTRATION OF:			
(a) Professional and Occupational Licensing and Regulation Program			140,000
The appropriation to the Board for Registration of Architects shall include a transfer to the State Personnel Department of $126.			
SOURCE OF FUNDS:			
(1) Fund of the Board for Registration of Architects, as provided in Title 34, Chapter 2, Section 23, Code of Alabama 1975 ...		140,000	
Total Board for Registration of Architects		140,000	140,000
12. ARCHIVES AND HISTORY:			
(a) Historical Resources Management Program			855,938
The appropriation to Archives and History shall include a transfer to the State Personnel Department of $2,886.			
SOURCE OF FUNDS:			
(1) State General Fund	855,938		
Total Archives and History ...	855,938		855,938
13. ATTORNEY GENERAL, OFFICE OF THE:			
(a) Legal Advice and Legal Services Program			4,368,558
(b) Fair Marketing Practices Program			334,029
The appropriation to the Office of the Attorney General shall include a transfer to the State Personnel Department of			

$9,350.			
SOURCE OF FUNDS:			
(1) State General Fund-Transfer	3,702,812		
(2) Transfer from Pensions and Security		511,457	
(3) Federal, Local and Miscellaneous Funds		488,318	
Total Office of the Attorney General	3,702,812	999,775	4,702,587
14. AUDITOR, STATE:			
(a) Fiscal Management Program			696,231
The appropriation to the State Auditor shall include a transfer to the State Personnel Department of $1,569.			
SOURCE OF FUNDS:			
(1) State General Fund	696,231		
Total State Auditor	696,231		696,231
15. BANKING DEPARTMENT, STATE:			
(a) Charter, License, and Regulate Financial Institutions Program			2,148,790
The appropriation to the State Banking Department shall include a transfer to the State Personnel Department of $3,075.			
SOURCE OF FUNDS:			
(1) Banking Assessment Fees		1,683,100	
As provided in Title 5, Chapter 1, Section 5, 1975 Code of Alabama.			
(2) Bureau of Credit Unions		201,700	
As provided in Title 5, Chapter 17, Article 7, and Chapter 2A, Article 5, 1975 Code of Alabama.			
(3) Loan Examination Fund		263,990	
As provided in Title 5,			

Chapter 18, Sections 1-24, 1975 Code of Alabama.			
Total State Banking Department		2,148,790	2,148,790
16. BAR ASSOCIATION, ALABAMA STATE:			
(a) Professional and Occupational Licensing and Regulation Program			756,045
SOURCE OF FUNDS:			
(1) State Bar Association Fund, as provided in Title 34, Chapter 3 1975 Code of Alabama		756,045	
Total Alabama State Bar Association		756,045	756,045
17. BEAR CREEK DEVELOPMENT AUTHORITY:			
(a) Water Resource Development Program			224,179
SOURCE OF FUNDS:			
(1) State General Fund	42,179		
(2) Federal, Local and Miscellaneous Funds		182,000	
Total Bear Creek Development Authority	42,179	182,000	224,179
18. BRIERFIELD IRONWORKS PARK:			
(a) Outdoor Recreation Sites and Services Program			101,529
SOURCE OF FUNDS:			
(1) State General Fund	25,000		
(2) Federal, Local and Miscellaneous Funds		76,529	
Total Brierfield Ironworks Park	25,000	76,529	101,529

19. BUILDING COMMISSION:			
(a) Special Services Program			791,289
The appropriation to the Building Commission shall include a transfer to the State Personnel Department of $1,192.			
SOURCE OF FUNDS:			
(1) State General Fund-Transfer	150,000		
(2) Federal, Local and Miscellaneous Funds		641,289	
Total Building Commission	150,000	641,289	791,289
20. CAHABA ADVISORY COMMITTEE:			
(a) Historical Resources Management Program			21,250
SOURCE OF FUNDS:			
(1) State General Fund	21,250		
Total Cahaba Advisory Committee	21,250		21,250
21. CHIROPRACTIC EXAMINERS, ALABAMA STATE BOARD OF:			
(a) Professional and Occupational Licensing and Regulation Program			36,500
SOURCE OF FUNDS:			
(1) Alabama State Board of Chiropractic Examiner's Fund as provided in Title 34, Chapter 24, Article 4, Divisions 1, 2 and 3, 1975 Code of Alabama		36,500	
Total Alabama State Board of Chiropractic Examiners		36,500	36,500
22. CIVIL DEFENSE, DEPARTMENT OF:			

(a) Readiness and Recovery Program			2,730,772
The appropriation to the Department of Civil Defense shall include a transfer to the State Personnel Department of $2,008.			
SOURCE OF FUNDS:			
(1) State General Fund-Transfer	710,021		
(2) Federal, Local and Miscellaneous Funds		2,020,751	
Total Department of Civil Defense	710,021	2,020,751	2,730,772
23. CONSERVATION AND NATURAL RESOURCES, DEPARTMENT OF:			
(a) State Land Management Program			684,813
(b) Outdoor Recreation Sites and Services Program			10,455,594
Of the appropriation hereinabove made for the Outdoor Recreation Sites and Services Program, $250,000 shall be expended for capital outlay purposes at Wind Creek State Park.			
(c) Marine Police Management Program			2,034,321
(d) Wildlife and Game Program			11,733,496
(e) Marine Resources Management Program			1,358,410
(f) Land and Water Conservation Program			1,357,387
(g) Administrative Services Program			2,090,000
(h) Land Survey Program			264,564
(i) Landmarks Foundation of Dothan			50,000
The appropriation to the Department of Conservation and Natural Resources shall in-			

clude Alabama's pro rata share of the Gulf States Marine Fisheries Commission operating expenses. The appropriation to the Department of Conservation and Natural Resources shall include such funds as are necessary for the maintanence, staff and repair of the Governor's official beach mansion. The appropriation to the Department of Conservation and Natural Resources shall include a transfer to the State Personnel Department of $40,975.

SOURCE OF FUNDS:

(1) Alabama Recreation Capital Development Fund ... 300,000

(2) Game and Fish Fund 11,733,496

(3) State Lands Fund 684,813

The funds hereinabove appropriated from the State Lands Fund includes funds for analyzing, cataloging and monitoring mineral reserves and the development thereof on State lands including water and offshore areas.

(4) Marine Resources Fund .. 1,358,410

In addition to the monies hereinabove appropriated from the Marine Resources Fund, all monies derived from contracts, grants or other agreements concerning or relating to marine biological research performed or accomplished at the Marine Resources Division Laboratory at Dauphin Island is hereby appropriated and may be expended by the Commissioner of Conservation on such Marine Resources Division Programs or projects which he

	deems appropriate.		
(5)	Marine Police Fund	2,034,321	
(6)	State Parks Fund	9,705,594	
(7)	Administrative Funds	2,090,000	
	The funds hereinabove appropriated shall be payable as provided in Title 9, Chapter 2, Section 1, 1975 Code of Alabama.		
(8)	Cigarette Tax	500,000	
(9)	Land Survey Fund	264,564	
(10)	Federal Land and Water Fund	1,357,387	
	Total Department of Conservation and Natural Resources	30,028,585	30,028,585

24. CONTRACTORS, STATE LICENSING BOARD FOR GENERAL:

(a)	Professional and Occupational Licensing and Regulation Program	265,845	
	The appropriation to the State Licensing Board for General Contractors shall include a transfer to the State Personnel Department of $377.		
	SOURCE OF FUNDS:		
(1)	State Licensing Board for General Contractors Fund	265,845	
	Pursuant to Title 34, Chapter 8, 1975 Code of Alabama. In addition to the amounts appropriated herein above to the State Licensing Board for General Contractors there is hereby appropriated such an amount as may be necessary to pay the refund of any application for license which may have been rejected by the Board or ap-		

plication withdrawn by request of applicant.			
Total State Licensing Board for General Contractors		265,845	265,845
25. CORRECTIONS, DEPARTMENT OF:			
(a) Administrative Services and Logistical Support Program			6,633,600
(b) Institutional Services Corrections Program			62,606,370
(c) Correctional Industries Program			6,972,198
The appropriation to the Department of Corrections shall include a transfer to the State Personnel Department of $99,268.			
SOURCE OF FUNDS:			
(1) State General Fund-Transfer	69,100,000		
(2) Department of Corrections Fund		7,112,168	
The Commissioner of Corrections is authorized to utilize funds herein appropriated as matching contributions, where required and appropriate, to generate additional funds which would effectively increase the appropriations for the Department of Corrections. Any such grant funds so generated and in direct support of the Department of Corrections' operations are also hereby appropriated.			
Total Department of Corrections	69,100,000	7,112,168	76,212,168
26. COSMETOLOGY, ALABAMA BOARD OF:			

(a) Professional and Occupational Licensing and Regulation Program		408,000
The appropriation to the Alabama Board of Cosmetology shall include a transfer to the State Personnel Department of $565.		
SOURCE OF FUNDS:		
(1) Alabama Board of Cosmetology fund	408,000	
As provided in Title 34, Chapter 7, 1975 Code of Alabama.		
Total Alabama Board of Cosmetology	408,000	408,000

27. COUNSELING, ALABAMA BOARD OF EXAMINERS IN:

(a) Professional and Occupational Licensing and Regulation Program		39,400
SOURCE OF FUNDS:		
(1) Alabama Board of Examiners in Counseling Fund	39,400	
As provided in Title 34, Chapter 8A, 1975 Code of Alabama.		
Total Alabama Board of Examiners in Counseling	39,400	39,400

28. CRIMINAL JUSTICE INFORMATION SYSTEM, ALABAMA:

(a) Criminal Justice Information Services Program		2,447,738
The appropriation to the Alabama Criminal Justice Information System shall include a transfer to the State Personnel Department of $3,137.		

SOURCE OF FUNDS:			
(1) State General Fund-Transfer	1,942,838		
(2) Federal, Local and Miscellaneous Funds		504,900	
Total Alabama Criminal Justice Information System	1,942,838	504,900	2,447,738

29. DEVELOPMENT OFFICE, ALABAMA:

(a) Industrial Development Program 2,344,125

Of the above appropriation, not less than $120,000 shall be expended for the preparation and implementation of a promotional campaign developed by the Bureau of Publicity and Information that will promote and improve the State's image regarding the expansion of existing businesses and the attraction of out-of-state industries. Of the above appropriation, not less than $48,000 shall be expended for assistance and encouragement in the creation and development of small businesses, particularly those in high technology and growth industries.

(b) Administrative Services Program - Office of Minority Business 145,135

(c) Alabama Film Commission - Promotional Development Program 186,428

(d) Data Processing and Word Processing Equipment for the Industrial Development Program 32,000

The appropriation to the Alabama Development Office shall include a transfer to the State Personnel Department of $2,133.

SOURCE OF FUNDS:			
(1) State General Fund-Transfer Alabama Development Office	2,326,125		
(2) State General Fund-Transfer Office of Minority Business	84,740		
(3) State General Fund-Transfer Alabama Film Commission	186,428		
(4) Federal, Local and Miscellaneous Funds		110,395	
Total Alabama Development Office	2,597,293	110,395	2,707,688

30. DISTRICT ATTORNEYS:

(a) Court Operations Program			7,979,377
The proposed spending plan included in the above total is as follows:			
Salaries of District Attorneys	2,039,308		
Salary of elected Deputy District Attorney of the Bessemer Division of the 10th Judicial Circuit	51,040		
For use of the Elected Assistant District Attorney of the Bessemer Division of the 10th Judicial Circuit	87,386		
Salaries and expenses of Supernumerary District Attorneys	844,943		
For use in the District Attorney's Office of the 1st Judicial Circuit	75,469		
For use in the District Attorney's Office of the 2nd Judicial Circuit	64,546		

For use in the District Attorney's Office of the 3rd Judicial Circuit	101,288
For use in the District Attorney's Office of the 4th Judicial Circuit	291,151
For use in the District Attorney's Office of the 5th Judicial Circuit	236,835
For use in the District Attorney's Office of the 6th Judicial Circuit	206,548
For use in the District Attorney's Office of the 7th Judicial Circuit	123,134
For use in the District Attorney's Office of the 8th Judicial Circuit	98,805
For use in the District Attorney's Office of the 9th Judicial Circuit	93,344
For use in the District Attorney's Office of the 10th Judicial Circuit	317,766
For use in the District Attorney's Office of the 11th Judicial Circuit	81,427
For use in the District Attorney's Office of the 12th Judicial Circuit	173,282
For use in the District Attorney's Office of the 13th Judicial Circuit	304,856
For use in the District Attorney's Of-	

fice of the 14th Judicial Circuit	85,896
For use in the District Attorney's Office of the 15th Judicial Circuit	302,374
For use in the District Attorney's Office of the 16th Judicial Circuit	137,533
For use in the District Attorney's Office of the 17th Judicial Circuit	52,133
For use in the District Attorney's Office of the 18th Judicial Circuit	152,428
For use in the District Attorney's Office of the 19th Judicial Circuit	90,365
For use in the District Attorney's Office of the 20th Judicial Circuit	132,568
For use in the District Attorney's Office of the 21st Judicial Circuit	100,791
For use in the District Attorney's Office of the 22nd Judicial Circuit	85,896
For use in the District Attorney's Office of the 23rd Judicial Circuit	221,939
For use in the District Attorney's Office of the 24th Judicial Circuit	80,434
For use in the District Attorney's Office of the 25th Judicial Circuit	76,462
For use in the Dis-	

trict Attorney's Office of the 26th Judicial Circuit	134,554
For use in the District Attorney's Office of the 27th Judicial Circuit	102,281
For use in the District Attorney's Office of the 28th Judicial Circuit	98,309
For use in the District Attorney's Office of the 29th Judicial Circuit	129,092
For use in the District Attorney's Office of the 30th Judicial Circuit	130,085
For use in the District Attorney's Office of the 31st Judicial Circuit	78,945
For use in the District Attorney's Office of the 32nd Judicial Circuit	77,952
For use in the District Attorney's Office of the 33rd Judicial Circuit	72,987
For use in the District Attorney's Office of the 34th Judicial Circuit	39,224
For use in the District Attorney's Office of the 35th Judicial Circuit	53,126
For use in the District Attorney's Office of the 36th Judicial Circuit	64,546
For use in the District Attorney's Office of the 37th Judicial Circuit	86,393

For use in the District Attorney's Office of the 38th Judicial Circuit	98,309		
For use in the District Attorney's Office of the 39th Judicial Circuit	35,253		
Appropriations of Salaries of Personnel Established by Statute are estimated. Travel Expense of District Attorneys	68,374		
	7,979,377		
SOURCE OF FUNDS:			
(1) State General Fund		7,979,377	
Total District Attorneys		7,979,377	7,979,377

31. ECONOMIC AND COMMUNITY AFFAIRS, DEPARTMENT OF:

(a)	State Planning Program		49,998,170
(b)	Special Services Program		23,056,200
(c)	Skills Enhancement and Employment Opportunities Program		64,144,423
(d)	Energy Management Program.		4,400,732
(e)	Traffic Control and Accident Prevention Program		2,611,228
(f)	Law Enforcement Planning and Development Program ...		1,900,680
	The appropriation to the Department of Economic and Community Affairs shall include a transfer to the State Personnel Department of $12,612.		
	SOURCE OF FUNDS:		
	(1) State General Fund-Transfer-State Planning and Federal Programs ...	2,898,136	
	(2) State General Fund-Transfer-Energy Division.	529,732	

(3) State General Fund-Transfer-Highway and Traffic Safety	168,378		
(4) State General Fund-Transfer-Law Enforcement Planning Division	279,338		
(5) Federal, Local and Miscellaneous Funds		142,235,849	
Total Department of Economic and Community Affairs	3,875,584	142,235,849	146,111,433

In addition to the above appropriation, there is hereby appropriated $500,000 to the State Planning Program of the Department of Economic and Community Affairs to be conditioned on the availability of funds in the State General Fund and upon the approval of the Governor.

32. ENGINEERS AND LAND SURVEYORS, STATE BOARD OF REGISTRATION FOR PROFESSIONAL:

(a) Professional and Occupational Licensing and Regulation Program			296,579
The appropriation to the State Board of Registration for Professional Engineers and Land Surveyors shall include a transfer to the State Personnel Department of $251.			
SOURCE OF FUNDS:			
(1) Professional Engineers' Fund		296,579	
As provided in Title 34, Chapter 11, Section 36, 1975 Code of Alabama as amended.			
Total State Board of Registration for Professional Engineers and Land Surveyors		296,579	296,579

33. ENVIRONMENTAL MANAGEMENT, DEPARTMENT OF:			
(a) Environmental Management Program			7,604,113
The appropriation to the Department of Environmental Management shall include a transfer to the State Personnel Department of $11,609.			
SOURCE OF FUNDS:			
(1) State General Fund-Transfer	2,049,318		
(2) Environmental Management Fund		5,554,795	
As provided in Title 22, Chapter 22A, Section 11, 1975 Code of Alabama as amended.			
Total Department of Environmental Management	2,049,318	5,554,795	7,604,113
34. ETHICS COMMISSION, ALABAMA:			
(a) Regulation of Public Officials and Employees Program			196,940
The appropriation to the Ethics Commission shall include a transfer to the State Personnel Department of $500.			
SOURCE OF FUNDS:			
(1) State General Fund	196,940		
Total Alabama Ethics Commission	196,940		196,940
35. FARMERS' MARKET AUTHORITY:			
(a) Agricultural Development Services Program			188,106
The appropriation to the Farmers' Market Authority shall include a transfer to the State Personnel Department of			

$188.

SOURCE OF FUNDS:			
(1) State General Fund-Transfer For Administration	73,106		
(2) Farmers' Market Authority Fund-Revenue and Capital Outlay Account		115,000	
Total Farmers' Market Authority	73,106	115,000	188,106

36. FINANCE, DEPARTMENT OF:

(a) Fiscal Management Program			2,513,273
(b) Administrative Support Services Program			3,509,445
The appropriation to the Finance Department shall include a transfer to the State Personnel Department of $32,943.			
SOURCE OF FUNDS:			
(1) State General Fund	6,008,335		
(2) Miscellaneous Funds		14,383	
Total Department of Finance	6,008,335	14,383	6,022,718

37. FORENSIC SCIENCES, DEPARTMENT OF:

(a) Forensic Science Services Program			3,628,780
The appropriation to the Alabama Department of Forensic Sciences shall include a transfer to the State Personnel Department of $4,769.			
SOURCE OF FUNDS:			
(1) State General Fund	3,537,710		
(2) Federal, Local and Miscellaneous Funds		91,070	
Total Department of Forensic Sciences	3,537,710	91,070	3,628,780

38. FOREIGN TRADE RELATIONS COMMISSION:			
(a) Special Services Program			50,000
SOURCE OF FUNDS:			
(1) State General Fund	50,000		
Total Foreign Trade Relations Commission	50,000		50,000
39. FORESTERS, ALABAMA STATE BOARD OF REGISTRATION FOR:			
(a) Professional and Occupational Licensing and Regulation Program			17,900
SOURCE OF FUNDS:			
(1) Professional Foresters' Fund		17,900	
As provided in Title 34, Chapter 12, 1975 Code of Alabama.			
Total Alabama State Board of Registration for Foresters		17,900	17,900
40. FORESTRY COMMISSION, ALABAMA:			
(a) Regional Operations Program			7,919,682
(b) Forest Resource Planning and Development Program			2,701,191
(c) Executive Administration Program			387,111
(d) Administrative Services Program			1,562,313
The appropriation to the Alabama Forestry Commission shall include a transfer to the State Personnel Department of $26,794.			
SOURCE OF FUNDS:			
(1) State General Fund-Transfer	7,855,297		
(2) Federal and Local Funds		2,065,000	

(3) Forestry Commission Fund		2,650,000	
It is provided that in the event receipts into the Forestry Commission Fund relating to federal grants, county appropriations, acre assessments seedling sales, timber sales, contributions, interdepartment transfers, and reimbursements exceed amounts originally appropriated for these sources of funds, such excess receipts are hereby appropriated. Any such fund balances or encumbrance decreases relating to these receipts are hereby reappropriated. Of the above appropriations $550,000 shall be used for rural and community fire protection. Of the above appropriations, not less than $60,000 shall be expended for aircraft replacement.			
Total Alabama Forestry Commission	7,855,297	4,715,000	12,570,297
41. FUNERAL SERVICES, ALABAMA BOARD OF:			
(a) Professional and Occupational Licensing and Regulation Program			98,000
SOURCE OF FUNDS:			
(1) Alabama Funeral Directors and Embalmers Fund		98,000	
As provided in Title 34, Chapter 13, 1975 Code of Alabama			
Total Alabama Board of Funeral Service		98,000	98,000
42. GEOLOGICAL SURVEY:			

(a) Discovery and Development of Mineral, Energy and Water Resources, Geologic Research and Topographic Mapping Program			2,052,470
The appropriation to the Geological Survey shall include a transfer to the State Personnel Department of $3,828.			
SOURCE OF FUNDS:			
(1) State General Fund	1,222,165		
(2) Federal, Local and Miscellaneous Funds		830,305	
Total Geological Survey	1,222,165	830,305	2,052,470

43. GORGAS MEMORIAL BOARD:

(a) Historical Resources Management Program			9,545
SOURCE OF FUNDS:			
(a) State General Fund	8,245		
As provided in Title 41, Chapter 9, Section 220, 1975 Code of Alabama and an additional amount.			
(2) Federal, Local and Miscellaneous Funds		1,300	
Total Gorgas Memorial Board	8,245	1,300	9,545

44. GOVERNOR'S OFFICE:

(a) Executive Direction Program			1,215,176
The appropriation to the Governor's Office shall include a transfer to the State Personnel Department of $3,263.			
SOURCE OF FUNDS:			
(1) State General Fund	1,215,176		
Total Governor's Office	1,215,176		1,215,176

45. GOVERNOR'S OFFICE-LEGAL:

(a) Executive Direction Program			102,000

SOURCE OF FUNDS:			
(1) State General Fund	102,000		
Total Governor's Office-Legal .	102,000		102,000
46. GOVERNOR'S CONTINGENCY FUND:			
(a) Executive Direction Program .			299,368
SOURCE OF FUNDS:			
(1) State General Fund	299,368		
Total Governor's Contingency Fund	299,368		299,368
47. GOVERNOR'S MANSION:			
(a) Executive Direction Program .			176,846
SOURCE OF FUNDS:			
(1) State General Fund	176,846		
Total Governor's Mansion	176,846		176,846
48. GOVERNOR'S MANSION ADVISORY BOARD:			
(a) Historical Resources Management Program			8,500
SOURCE OF FUNDS:			
(1) State General Fund-Transfer	8,500		
Total Governor's Mansion Advisory Board	8,500		8,500
49. GOVERNOR'S VOLUNTARY CITIZEN PARTICIPATION:			
(a) Executive Direction Program .			59,000
SOURCE OF FUNDS:			
(1) Federal Funds		59,000	
Total Governor's Voluntary Citizen Participation		59,000	59,000
50. HEALTH, DEPARTMENT OF PUBLIC:			

(a)	Administrative Services Program			5,291,820
(b)	Health Support Services Program			49,164,871
	Of this amount $6,577,885 shall go to support local health department services of which $3,685,000 shall be used to provide a minimum staff in each of the sixty-seven counties, and the remaining amount shall be distributed on a one-to-one match with locally appropriated funds for the support of local health services on a per capita basis. At the end of the first quarter, any unmatched funds may be distributed to other counties with appropriate matching funds.			
(c)	Clinical Health Services Program			36,995,590
	The appropriation to the Department of Public Health shall include a transfer to the State Personnel Department of $113,764.			
	SOURCE OF FUNDS:			
	(1) State General Fund	15,623,417		
	(2) Cigarette Tax-$.01		1,232,180	
	As provided in Title 40, Chapter 25, Sections 2 and 23, 1975 Code of Alabama.			
	(3) Cigarette Tax-$.02		2,064,334	
	As provided in Title 40, Chapter 25, Sections 2 and 23, 1975 Code of Alabama.			
	(4) Vital Statistics Fund		1,553,786	
	(5) Hospital Licensing Fund		205,000	
	(6) Emergency Medical Services Fund		165,738	
	As provided in Title 22, Chapter 18, Sections 1 through 7, 1975 Code of Alabama.			
	(7) Local Health Departments		31,770,925	

(8) Nuclear Monitoring Fund		90,000	
(9) Miscellaneous Funds		2,849,611	
(10) Federal Funds		35,897,290	
Total Department of Public Health	15,623,417	75,828,864	91,452,281
51. HEALTH PLANNING AND DEVELOPMENT AGENCY, STATE:			
(a) Health Planning, Development and Regulation Program			1,580,548
The appropriation to State Health Planning and Development Agency shall include a transfer to the State Personnel Department of $1,380.			
SOURCE OF FUNDS:			
(1) State General Fund-Transfer	235,629		
(2) Federal, Local and Miscellaneous Funds		1,344,919	
Total State Health Planning and Development Agency	235,629	1,344,919	1,580,548
52. HEARING AID DEALERS, ALABAMA BOARD OF:			
(a) Professional and Occupational Licensing and Regulation Program			9,500
SOURCE OF FUNDS:			
(1) State Board of Health - Hearing Aid Fund		9,500	
As provided in Title 34, Chapter 14, Articles 1 and 2, 1975 Code of Alabama.			
Total Alabama Board of Hearing Aid Dealers		9,500	9,500
53. HEATING AND AIR CONDITIONING CONTRACTORS, BOARD OF:			

(a) Professional and Occupational Licensing and Regulation Program		97,552
SOURCE OF FUNDS:		
(1) Heating and Air Conditioning Contractors Fund	97,552	
Total Board of Heating and Air Conditioning Contractors	97,552	97,552
54. ALABAMA HERITAGE TRUST FUND:		
(a) Alabama Heritage Trust Fund Expense Program		19,855
SOURCE OF FUNDS:		
(1) Heritage Trust Income	19,855	
Total Alabama Heritage Trust Fund	19,855	19,855
55. HIGHWAY DEPARTMENT:		
(a) Central Administration Program		8,028,851
(b) Division and District Supervision Program		15,150,539
(c) Operations & Support Services Program		6,351,192
(d) Maintenance Program		77,352,133
(e) Non-Programmatic Expenditures		41,220,821
Proposed Spending Plan for the above (e) includes the following:		
Debt Service	40,855,309	
Equipment - Other than Automotive	365,512	
(f) Construction-Federal Aid Program		352,789,516
Proposed Spending Plan for the above (f) includes the following:		
Federal Aid Matching	56,036,516	
Non-Participating		

Work on Federal Projects 1,000,000

Federal Aid 295,753,000

(g) Construction-State Program .. 5,000,000

(h) Operations-Land and Buildings 620,000

The appropriation to the Highway Department shall include a transfer to the State Personnel Department of $230,789.

SOURCE OF FUNDS:

(1) State General Fund-Transfer 75,000

(2) Public Road and Bridge Fund 210,685,052

(3) Federal Aid 295,753,000

There is hereby appropriated, for payment of the principal of and the interest on all bonds heretofore or hereafter issued for public highways and bridge purposes, or either, by the State of Alabama, Alabama Highway Authority, Alabama Federal Aid Highway Finance Authority, or Alabama Highway Finance Corporation, a total of $40,855,309 or so much as may be necessary for payment of said principal and interest at their respective maturities, of the revenues pledged for such payment.

The Highway Director with the consent of the Governor and the Finance Director shall have the authority to transfer any appropriation or any portion thereof between and among subsections, (a), (b), (c), (d), (e), (f), (g), (h), of this section whenever such transfer shall be necessary to assure maxi-

mum utilization of Federal matching Funds which shall become available. In the event that there shall not be sufficient funds available for payment of all appropriations hereinabove made, the following provisions shall be applicable. In the event of such insufficiency in respect of the said revenues accruing to the State Highway Department.

(1) the appropriations made for Debt Service in section (e) hereof shall be paid in full-

(2) the appropriations from the revenues accruing to the State Highway Department that are herein made for the purposes referred to in Sections (a), (b), (c), (d), (e), (f), (g), (h) except for Debt Service, hereof shall be allocated among the purposes referred to in said Sections in such order and with such priorities as the State Highway Director shall from time to time direct. The funds appropriated in section (f) hereof, for the matching Federal funds, shall not revert at the end of the fiscal year for which such appropriations are made, but shall remain available for the purpose for which such appropriation was made. In addition to all appropriations hereinabove made there is hereby appropriated to the State Highway Department all Federal Funds accruing thereto be expended only

for the purpose for which such funds are made available. Not later than ninety (90) days following the end of each fiscal year for which appropriations are made herein, the State Highway Director shall transmit to the Governor, Lieutenant Governor, and each member of the Legislature, a report stating the portions of each appropriation made herein that have been spent in each county in the State during the fiscal year then ended.			
Total Highway Department ...	75,000	506,438,052	506,513,052
56. HISTORIC CHATTAHOOCHEE COMMISSION:			
(a) Historical Resources Management Program			132,729
SOURCE OF FUNDS:			
(1) State General Fund	79,929		
(2) Federal, Local and Miscellaneous Funds		52,800	
Total Historic Chattahoochee Commission	79,929	52,800	132,729
57. HISTORIC BLAKELY AUTHORITY:			
(a) Tourism and Travel Promotion Program			50,000
SOURCE OF FUNDS:			
(1) State General Fund	50,000		
Total Historic Blakely Authority	50,000		50,000
58. HISTORICAL COMMISSION, ALABAMA:			
(a) Historical Resources Management Program			2,254,177

(b) Historical Commission-Cahaba			200,000
The appropriation to the Alabama Historical Commission shall include a transfer to the State Personnel Department of $2,447.			
SOURCE OF FUNDS:			
(1) State General Fund-Transfer	612,908		
The State General Fund appropriation shall be distributed as follows:			
Historical Commission, Alabama	434,586		
Historical Commission, Alabama-La-Grange	8,140		
Historical Commission, Alabama-Richmond P. Hobson Memorial Board	5,994		
Historical Commission, Alabama-Fort Morgan	105,938		
Historical Commission, Alabama-Fort Toulouse	21,250		
Historical Commission, Alabama-John T. Morgan House, Selma	12,000		
Historical Commission, Alabama-Sloss Lake	25,000		
(2) Federal, Local and Miscellaneous Funds		1,841,269	
Total Alabama Historical Commission	612,908	1,841,269	2,454,177
59. INDUSTRIAL RELATIONS, DEPARTMENT OF:			
(a) Skills Enhancement and Employment Opportunities Program			16,877,311

(b) Unemployment Compensation Program			15,588,016
(c) Administrative Services Program			8,130,022
(d) Industrial Safety and Accident Prevention Program			4,822,611
(e) Employment and Social Opportunities Program			362,959
The appropriation to the Department of Industrial Relations shall include a transfer to the State Personnel Department of $113,826.			
SOURCE OF FUNDS:			
(1) State General Fund	739,372		
(2) Federal, Local and Miscellaneous Funds		45,041,547	
Total Department of Industrial Relations	739,372	45,041,547	45,780,919

60. INSURANCE BOARD, STATE EMPLOYEES':

(a) Administrative Support Services Program			71,941
The appropriation to the State Employees' Insurance Board shall include a transfer to the State Personnel Department of $126.			
SOURCE OF FUNDS:			
(1) State General Fund	71,941		
Total State Employees' Insurance Board	71,941		71,941

61. INSURANCE, DEPARTMENT OF:

(a) Regulatory Services Program			1,345,841
The appropriation to the Department of Insurance shall include a transfer to the State Personnel Department of $3,765.			

SOURCE OF FUNDS:			
(1) State General Fund	1,061,697		
(2) Fire Marshals' Fund		284,144	
As provided in Title 24, Chapter 5, Article 1, 1975 Code of Alabama. Any balance in excess of $50,000 at the end of the fiscal year shall be transferred to the State General Fund.			
Total Department of Insurance	1,061,697	284,144	1,345,841
62. INTERIOR DESIGNERS, ALABAMA STATE BOARD OF REGISTRATION FOR:			
(a) Professional and Occupational Licensing and Regulation Program			4,200
SOURCE OF FUNDS:			
(1) Interior Designers Fund..		4,200	
Total Alabama State Board of Registration for Interior Designers		4,200	4,200
63. LABOR, DEPARTMENT OF:			
(a) Regulatory Services Program .			292,452
The appropriation to the Labor Department shall include a transfer to the State Personnel Department of $502.			
SOURCE OF FUNDS:			
(1) State General Fund	249,452		
(2) Federal, Local and Miscellaneous Funds		43,000	
Total Department of Labor ...	249,452	43,000	292,452
64. LANDSCAPE ARCHITECTS, BOARD OF EXAMINERS OF:			
(a) Professional and Occupational Licensing and Regulation Program			10,975

SOURCE OF FUNDS:			
(1) Landscape Architects Fund		10,975	
As provided in Title 34, Chapter 17, 1975 Code of Alabama.			
Total Board of Examiners of Lanscape Architects		10,975	10,975
65. LIQUEFIELD PETROLEUM GAS BOARD:			
(a) Regulatory Services Program			212,000
The appropriation to the Liquefied Petroleum Gas Board shall include a transfer to the State Personnel Department of $502.			
SOURCE OF FUNDS:			
(1) Liquefied Petroleum Gas Board Fund		212,000	
Total Liquefied Petroleum Gas Board		212,000	212,000
66. MEDICAID AGENCY, ALABAMA:			
(a) Medical Assistance through Medicaid program			401,648,544
The appropriation to the Alabama Medicaid Agency shall include a transfer to the State Personnel Department of $13,114.			
SOURCE OF FUNDS:			
(1) State General Fund-Transfer	96,545,278		
(2) Transfer from Pensions and Security		435,000	
(3) Transfer from Mental Health		13,609,728	
(4) Federal, Local and Miscellaneous Funds		291,058,538	
Total Alabama Medicaid Agency	96,545,278	305,103,266	401,648,544

67. MENTAL HEALTH, DEPARTMENT OF:

(a) Institutional Treatment and Care-Mental Illness Program . 68,219,891

(b) Institutional Treatment and Care-Mental Retardation Program 55,034,437

(c) Institutional Treatment and Care-Criminally Insane Program 2,788,372

(d) Non-Institutional Treatment and Care-Program 12,312,541

(e) Administrative Services Program 3,774,313

(f) Community Mental Health Program 18,500,000

It is the intent of the Legislature that this appropriation be used to fund Community Mental Health Programs and that none of said appropriation be shifted to any other program. The appropriation herein provided shall be for the provision of community mental illness and substance abuse programs and services operated by Mental Health/Mental Retardation Boards created pursuant to Act 310 and certified by the Department of Mental Health. In the event that no such program is certified by the Department of Mental Health in a particular catchment area, funds under this appropriation may be expended through other certified community programs in said catchment area. Of the appropriation hereinabove made to the Department of Mental Health, there shall be at least $6,260,000 expended for the treatment of rehabilitation for and education on alcohol and drug abuse. The appropriation to the Department of Mental Health shall include a

transfer to the State Personnel Department of $376,617.

SOURCE OF FUNDS:

(1)	Special Mental Health Trust Fund	93,585,167	
	For Operations and Maintenance of the State Mental Health Department including the purchase of drugs for medically indigent mental patients not hospitalized at time of receiving drugs at the Alabama State Hospitals.		
(2)	Special Mental Health Trust Fund-Community Programs	15,336,855	
(3)	Transfer from ABC Profits	1,000,000	
(4)	Cigarette Tax - $.01	930,000	
(5)	Cigarette Tax - $.02	4,825,000	
(6)	Transfer from Pensions and Security - Title XX Funds	2,000,000	
(7)	Federal, Local and Miscellaneous Funds	42,952,532	
	Total Department of Mental Health	160,629,554	160,629,554

68. MILITARY DEPARTMENT:

(a)	Military Operations Program		4,539,172
(b)	Capital Outlay		374,500
	The appropriation to the Military Department shall include a transfer to the State Personnel Department of $9,036.		
	SOURCE OF FUNDS:		
(1)	State General Fund-Operations	1,308,849	
(2)	State General Fund-Quarterly Allowances Headquarters-Regular Allowance Units to be used		

	solely for operating expenses; provided, that no more than $4,500 shall be allotted in any fiscal year for the Alabama National Guard Headquarters	1,139,255	
(3)	State General Fund-Transfer-Capital Outlay for Architect and Engineering Services and specifications and construction of facilities	374,500	
(4)	State General Fund-Active Military Service	161,000	
(5)	State General Fund-Transfer to Armory Commission	1,925,068	
(6)	State General Fund-Dropping Allowance	5,000	
	Total Military Department ...	4,913,672	4,913,672

69. ARMORY COMMISSION OF ALABAMA:

(a)	Military Operations Program .		3,088,943
	SOURCE OF FUNDS:		
(1)	Transfer from Military Department	1,925,068	
(2)	Federal, Local and Miscellaneous Funds	1,163,875	

The funds hereinabove appropriated to the Armory Commission shall be payable from the funds in the State Treasury to the credit of the Armory Commission and the appropriation hereinabove made includes the appropriation made for the care, maintenance, and construction of facilities.

Provided, however, that the last Federal Government service contract reimbursement shall not revert to the State General

Fund. Any surplus remaining in the Armory Commission Fund at the end of the fiscal year in excess of $50,000 shall be transferred to the State General Fund.			
Total Armory Commission of Alabama		3,088,943	3,088,943
70. NURSING HOME ADMINISTRATORS, BOARD OF EXAMINERS OF:			
(a) Professional and Occupational Licensing and Regulation Program			40,000
The appropriation to the Board of Examiners of Nursing Home Administrators shall include a transfer to the State Personnel Department of $63.			
SOURCE OF FUNDS:			
(1) Board of Examiners of Nursing Home Administrators Fund		40,000	
As provided in Title 34, Chapter 20, 1975 Code of Alabama.			
Total Board of Examiners of Nursing Home Administrators		40,000	40,000
71. OIL AND GAS BOARD:			
(a) Management and Regulation of Oil and Gas Exploration and Development Program			1,284,643
The appropriation to the Oil and Gas Board shall include a transfer to the State Personnel Department of $3,012.			
SOURCE OF FUNDS:			
(1) State General Fund	1,276,497		

(2) Federal, Local and Miscellaneous Fund		8,146	
Total Oil and Gas Board	1,276,497	8,146	1,284,643
72. PARDONS AND PAROLES, BOARD OF:			
(a) Administration of Pardons and Paroles Program			6,831,119
The appropriation to the Board of Pardons and Paroles shall include a transfer to the State Personnel Department of $15,248.			
SOURCE OF FUNDS:			
(1) State General Fund	5,388,321		
(2) Probationers Upkeep Fund		1,350,060	
(3) Federal, Local and Miscellaneous Funds		92,738	
Total Board of Pardons and Paroles	5,388,321	1,442,798	6,831,119
73. PEACE OFFICERS' ANNUITY AND BENEFIT FUND, ALABAMA:			
(a) Retirement Systems Program			203,664
The appropriation to the Alabama Peace Officers' Annuity and Benefit Fund shall include a transfer to the State Personnel Department of $251.			
SOURCE OF FUNDS:			
(1) Peace Officers' Annuity and Benefit Fund as provided in Title 36, Chapter 21, Article 4, 1975 Code of Alabama		203,664	
Total Alabama Peace Officers' Annuity and Benefit Fund		203,664	203,664
74. PENSIONS AND SECURITY, DEPARTMENT OF:			

(a)	Economic Assistance Program		165,558,816
(b)	Social Services Program		68,834,437
(c)	Community Work Experience Program		300,000
	The appropriation to the Department of Pensions and Security shall include a transfer to the State Personnel Department of $253,065.		
	SOURCE OF FUNDS:		
	(1) Federal, Local and Miscellaneous Funds	150,756,189	
	(2) Title XX Funds - Transfer to Mental Health	2,000,000	
	(3) ABC Profits	1,965,000	
	(4) Whiskey Tax	21,000,000	
	(5) Beer Tax	7,740,00	
	(6) Pension Residue	12,500,000	
	(7) Sales Tax	1,322,000	
	(8) Franchise Tax	11,000,000	
	(9) Contracts, Service Fees	150,000	
	(10) Child Support Collections	2,840,064	
	(11) Sales Tax for Food Stamps	16,000,000	
	(12) Cigarette Tax	4,420,000	
	(13) Contractor's Gross Receipts Tax	3,000,000	
	Total Department of Pensions and Security	234,693,253	234,693,253
	It is provided that not more than four thousand fifty (4,050) employees shall be paid from the above appropriation.		
75.	PERSONNEL DEPARTMENT, STATE:		
(a)	Administrative Support Program		1,830,727
	SOURCE OF FUNDS:		
	(1) Transfer from Department of Aeronautics	314	

(2) Transfer from Commission on Aging	1,004
(3) Transfer from Agriculture and Industries	28,551
(4) Transfer from Agricultural Center Board	753
(5) Transfer from Alcoholic Beverage Control Board	64,694
(6) Transfer from Board of Registration for Architects	126
(7) Transfer from Archives and History	2,886
(8) Transfer from the Council on Arts and Humanities	627
(9) Transfer from the Office of the Attorney General	9,350
(10) Transfer from the State Auditor	1,569
(11) Transfer from State Banking Department	3,075
(12) Transfer from Finance-Alabama Building Authority	1,945
(13) Transfer from Finance-Alabama Building Finance Authority	1,694
(14) Transfer from Building Commission	1,192
(15) Transfer from Civil Air Patrol	63
(16) Transfer from Civil Defense Department	2,000
(17) Transfer from Local Civil Defense	725
(18) Transfer from Conservation Department	40,975
(19) Transfer from State Licensing Board for General Contractors	377
(20) Transfer from Department of Corrections	99,268
(21) Transfer from Board of Cosmetology	565
(22) Transfer from Criminal Justice Information Center	3,137

(23) Transfer from Alabama Development Office	2,133
(24) Transfer from State Docks	37,210
(25) Transfer from Education	80,255
(26) Transfer from the Department of Economic and Community Affairs	12,612
(27) Transfer from Board of Registration for Professional Engineers and Land Surveyors	251
(28) Transfer from Ethics Commission	502
(29) Transfer from Examiners of Public Accounts	8,220
(30) Transfer from Farmer's Market Authority	188
(31) Transfer from Finance Department	32,943
(32) Transfer from Firefighters Personnel Standards and Education Commission	188
(33) Transfer from Foreign Trade Commission	126
(34) Transfer from Department of Forensic Sciences	4,769
(35) Transfer from Forestry Commission	26,794
(36) Transfer from Geological Survey	3,828
(37) Transfer from Governor's Office	3,263
(38) Transfer from Department of Public Health	113,764
(39) Transfer from State Health Planning and Development Agency	1,380
(40) Transfer from Highway Department	230,789
(41) Transfer from Alabama Historical Commission	2,447
(42) Transfer from Industrial Relations	113,826
(43) Transfer from Insurance Department	3,765

(44) Transfer from State Employees' Insurance Board	126
(45) Transfer from Department of Labor	502
(46) Transfer from Legislative Reference Service	502
(47) Transfer from Liquefied Petroleum Gas Board	502
(48) Transfer from Alabama Medicaid Agency	13,114
(49) Transfer from Department of Mental Health	376,617
(50) Transfer from Military Department	9,036
(51) Transfer from Board of Nursing	816
(52) Transfer from Examiners of Nursing Home Administrators	63
(53) Transfer from Oil and Gas Board	3,012
(54) Transfer from Pardons and Paroles	15,248
(55) Transfer from Peace Officers' Annuity and Benefits Fund	251
(56) Transfer from Peace Officers' Standards and Training Commission	188
(57) Transfer from Department of Pensions and Security	[illegible]
(58) Transfer from Physical Fitness Commission	251
(59) Transfer from Board of Physical Therapy	63
(60) Transfer from Public Library Service	3,765
(61) Transfer from Department of Public Safety	74,294
(62) Transfer from Public Service Commission	7,781
(63) Transfer from Publicity and Information	3,514
(64) Transfer from Alabama Public Television Network	5,271

(65) Transfer from Real Estate Commission	941	
(66) Transfer from Retirement Systems	6,024	
(67) Transfer from Department of Revenue	62,372	
(68) Transfer from Secretary of State	1,694	
(69) Transfer from Securities Commission	1,318	
(70) Transfer from Board of Social Work Examiners	63	
(71) Transfer from Soil and Water Conservation Committee	314	
(72) Transfer from Surface Mining Reclamation Commission	2,949	
(73) Transfer from State Treasurer	2,698	
(74) Transfer from Department of Veterans Affairs	7,404	
(75) Transfer from Department of Youth Services	21,209	
(76) Transfer from Environmental Management	11,609	
Total State Personnel Department	1,830,727	1,830,727

76. PHYSICAL THERAPY, BOARD OF:

(a) Professional and Occupational Licensing and Regulation Program		39,918
The appropriation to the Board of Physical Therapy shall include a transfer to the State Personnel Department of $63.		
SOURCE OF FUNDS:		
(1) Physical Therapy Fund	39,918	
As provided in Title 34,		

Chapter 24, Article 5, 1975 Code of Alabama.		
Total Board of Physical Therapy	39,918	39,918
77. POLYGRAPH EXAMINERS, BOARD OF:		
(a) Professional and Occupational Licensing and Regulation Program		13,400
SOURCE OF FUNDS:		
(1) Board of Polygraph Examiners Fund	13,400	
As provided in Title 34, Chapter 25, Section 5, 1975 Code of Alabama as amended.		
Total Board of Polygraph Examiners	13,400	13,400
78. PROSECUTION SERVICES, OFFICE OF:		
(a) Prosecution, Training, Education and Management Program		506,817
SOURCE OF FUNDS:		
(1) Office of Prosecution Services Fund	506,817	
Total Office of Prosecution Services	506,817	506,817
79. PSYCHOLOGY, ALABAMA BOARD OF EXAMINERS IN:		
(a) Professional and Occupational Licensing and Regulation Program		24,970
SOURCE OF FUNDS:		
(1) Board of Examiners of Psychology Fund	24,970	
As provided in Title 34, Chapter 26, 1975 Code of Alabama.		

Total Alabama Board of Examiners in Psychology	24,970	24,970

80. PUBLIC SAFETY, DEPARTMENT OF:

(a) Traffic Control and Accident Prevention Program		18,322,210
(b) Criminal Investigation Program		3,834,192
(c) Driver's Licensing and Improvement Program		7,172,989
(d) Public Safety Support Services Program		5,440,686
(e) Administrative Services Program		1,806,175
(f) Alabama Criminal Justice Training Center Program		1,074,840
The appropriation to the Department of Public Safety shall include a transfer to the State Personnel Department of $74,294.		
SOURCE OF FUNDS:		
(1) State General Fund	37,651,092	
Total Department of Public Safety	37,651,092	37,651,092

81. PUBLIC SERVICE COMMISSION:

(a) Administrative Services Program		1,333,806
(b) Regulatory Program		3,703,911
The appropriation to the Public Service Commission shall include a transfer to the State Personnel Department of $7,781.		
SOURCE OF FUNDS:		
(1) Public Service Commission Fund	4,866,282	
The above appropriation to the Alabama Public Service Commission shall be payable only from inspection and supervision		

fees paid by utilities and transportation companies and such parts or percentage of fees and taxes paid by motor carrier or motor transportation companies as are now or may be set aside by law to be used by the Commission. Any surplus remaining in the Alabama Public Service Commission Fund at the end of the fiscal year in excess of $800,000 shall be transferred to the State General Fund.			
(2) Federal Funds		171,435	
Total Public Service Commission		5,037,717	5,037,717
82. PUBLICITY AND INFORMATION, BUREAU OF:			
(a) Tourism and Travel Promotion Program			2,461,867
The appropriation to the Bureau of Publicity and Information shall include a transfer to the State Personnel Department of $3,514.			
SOURCE OF FUNDS.			
(1) State General Fund-Transfer	498,565		
(2) Lodgings Tax ($.01)		1,963,302	
Receipts collected under the provisions of Title 40, Chapter 26, 1975 Code of Alabama.			
Total Bureau of Publicity and Information	498,565	1,963,302	2,461,867
83. REAL ESTATE COMMISSION, ALABAMA:			
(a) Professional and Occupational			

Licensing and Regulation Program			605,428
The appropriation to the Alabama Real Estate Commission shall include a transfer to the State Personnel Department of $941.			
SOURCE OF FUNDS:			
(1) Alabama Real Estate Commission Fund-as provided in Title 34, Chapter 27, 1975 Code of Alabama, as amended and the total expenditures shall in no manner exceed the amounts hereby appropriated		605,428	
Total Alabama Real Estate Commission		605,428	605,428

84. REVENUE DEPARTMENT:

(a) State Revenue Administration Program			33,508,572
The appropriation to the Revenue Department shall include a transfer to the State Personnel Department of $62,372.			
SOURCE OF FUNDS:			
(1) State General Fund-Transfer as provided in Title 40, Chapter 7, Article 2, Division 1, 1975 Code of Alabama, to maintain a program for the equalization of ad valorem tax assessments	250,000		
(2) Transfer from the gross proceeds of Cigarette Tax Collections, Title 40, Chapter 25, Section 2 and 23, 1975 Code of Alabama		454,734	
(3) Transfer from the gross proceeds of Financial Institution Excise Tax Collections		351,661	
(4) Transfer from the gross			

	proceeds of the Forest Severance Tax Collections	206,146
(5)	Transfer from the gross proceeds of Gasoline Tax Collections	2,352,490
(6)	Transfer from the Income Tax Collections	7,842,644
(7)	Transfer from the gross proceeds of Motor Fuel Tax Collections	1,358,140
(8)	Transfer from the gross proceeds of Motor Vehicle License Collections	1,373,297
(9)	Transfer from the Pension Fund as part of the cost of collections of the 1-Mill Ad Valorem Tax	421,387
(10)	Transfer from the Public School Fund as part of the cost of collections of the 3-Mill Ad Valorem Tax	1,036,793
(11)	Transfer from the gross proceeds of Sales Tax Collections	10,934,834
(12)	Transfer from the gross proceeds of the Tobacco Tax Collections	2,234,260
(13)	Transfer from the gross proceeds of Use Tax Collections	1,067,108
(14)	Transfer from the gross proceeds of the Utility Tax Collections as provided in Title 40, Chapter 21, 1975 Code of Alabama	700,290
(15)	Local Funds	2,924,788

The amounts hereinabove appropriated for the cost of maintenance and operations of the Department of Revenue are in lieu of any other statutory provisions for the payment of the cost of operating said Department or collections of the taxes as authorized by law.

Provided, however, in addition to the amount hereinabove appropriated, there is hereby appropriated to the Department of Revenue all sums allowed the Department of Revenue by local Acts of the Legislature as a charge for the collection of taxes or licenses.			
Total Revenue Department ...	250,000	33,258,572	33,508,572
85. REVENUE - BOARDS OF EQUALIZATION:			
(a) State Revenue Administration Program			115,741
SOURCE OF FUNDS:			
(1) State General Fund	115,741		
Total Revenue-Boards of Equalization	115,741		115,741
86. REVENUE - MOTOR VEHICLE LICENSE:			
(a) State Revenue Administration Program			2,252,460
SOURCE OF FUNDS:			
(1) Transfer from the gross proceeds of Motor Vehicle License Collections for the purchase only of Motor Vehicle License Tags		2,252,460	
Total Revenue-Motor Vehicle License		2,252,460	2,252,460
87. SECRETARY OF STATE:			
(a) Administrative Support Services Program			724,952
The appropriation to the Secretary of State shall include a transfer to the State Personnel Department of $1,694.			

SOURCE OF FUNDS:			
(1) State General Fund	724,952		
Total Secretary of State	724,952		724,952

88. SECURITIES COMMISSION:

(a) Regulatory Services Program .			695,343
The appropriation to the Securities Commission shall include a transfer to the State Personnel Department of $1,318.			
SOURCE OF FUNDS:			
(1) State General Fund	406,518		
(2) Industrial Development Bond Notification Fund ..		139,678	
(3) Sales of Checks License Fund		8,000	
(4) Exemption Fund		141,147	
Total Securities Commission ..	406,518	288,825	695,343

89. SOCIAL WORK EXAMINERS, ALABAMA STATE BOARD OF:

(a) Professional and Occupational Licensing and Regulation Program			50,000
The appropriation to the Alabama State Board of Social Work Examiners shall include a transfer to the State Personnel Department of $63.			
SOURCE OF FUNDS:			
(1) Alabama State Board of Social Work Examiners Fund-as provided in Title 34, Chapter 30, 1975 Code of Alabama		50,000	
Total Alabama State Board of Social Work Examiners.....		50,000	50,000

90. SOIL AND WATER CONSERVATION COMMITTEE, ALABAMA STATE:

(a) Water Resources Development Program		584,702
(b) Alabama Fish Farming Center		175,000
The appropriation to Soil and Water Conservation Committee shall include a transfer to the State Personnel Department of $314.		
SOURCE OF FUNDS:		
(1) State General Fund	759,702	
Total Alabama State Soil and Water Conservation Committee	759,702	759,702
91. SOUTHERN GROWTH POLICIES BOARD:		
(a) Special Services Program		21,505
SOURCE OF FUNDS:		
(1) State General Fund	21,505	
Total Southern Growth Policies Board	21,505	21,505
92. SPACE SCIENCE EXHIBIT COMMISSION, ALABAMA:		
(a) Tourism and Travel Promotion Program		302,600
SOURCE OF FUNDS:		
(1) State General Fund-Capital Outlay	302,600	
Total Alabama Space Science Exhibit Commission	302,600	302,600
93. SPEECH PATHOLOGY AND AUDIOLOGY, ALABAMA BOARD OF EXAMINERS FOR:		
(a) Professional and Occupational Licensing and Regulation Program		17,600
SOURCE OF FUNDS:		
(1) Alabama Board of Examiners for Speech Pathology		

and Audiology Fund-as provided in Title 34, Chapter 28A, 1975 Code of Alabama		17,600	
Total Alabama Board of Examiners for Speech Pathology and Audiology		17,600	17,600
94. SPORTS HALL OF FAME:			
(a) Historical Resources Management Program			70,000
SOURCE OF FUNDS:			
(1) State General Fund	70,000		
Total Sports Hall of Fame	70,000		70,000
95. SURFACE MINING RECLAMATION COMMISSION:			
(a) Industrial Safety and Accident Prevention Program			5,864,400
The appropriation to the Surface Mining Reclamation Commission shall include a transfer to the State Personnel Department of $2,949.			
SOURCE OF FUNDS:			
(1) Surface Mining Reclamation Commission Fund-as provided by Title 9, Chapter 16, Article 2, 1975 Code of Alabama. All fees and charges, grants, gifts, fines, bond forfeitures or other monies received under the above act, in addition to the appropriation herein made, are appropriated to the Surface Mining Reclamation Commission		5,864,400	
Total Surface Mining Reclamation Commission		5,864,400	5,864,400
96. TANNEHILL HISTORICAL			

STATE PARK:			
(a) Historical Resources Management Program			562,500
SOURCE OF FUNDS:			
(1) State General Fund	212,500		
(2) Federal, Local and Miscellaneous Funds		350,000	
Total Tannehill Historical State Park	212,500	350,000	562,500
97. TENNESSEE-TOMBIGBEE WATERWAY DEVELOPMENT AUTHORITY:			
(a) Water Resource Development Program			473,523
SOURCE OF FUNDS:			
(1) State General Fund	140,250		
As provided in Title 33, Chapter 8, 1975 Code of Alabama as amended.			
(2) Federal, Local and Miscellaneous Funds		333,273	
Total Tennessee-Tombigbee Waterway Development Authority	140,250	333,273	473,523
98. TREASURER, STATE:			
(a) Fiscal Management Program			1,311,960
The appropriation to the State Treasurer shall include a transfer to the State Personnel Department of $2,698.			
SOURCE OF FUNDS:			
(1) State General Fund	1,311,960		
Total State Treasurer	1,311,960		1,311,960
99. UNIFORM STATE LAWS, COMMISSION ON:			
(a) Special Services Program, Estimated			3,525

SOURCE OF FUNDS:			
(1) State General Fund	3,525		
As Provided in Title 41, Chapter 9, Article 12, 1975 Code of Alabama.			
Total Commission on Uniform State Laws, Estimated	3,525		3,525
100. VETERANS AFFAIRS, DEPARTMENT OF:			
(a) Administration of Veterans Affairs Program			2,331,599
(b) Veteran's Home Study			60,000
The appropriation to the Department of Veterans Affairs shall include a transfer to the State Personnel Department of $7,404.			
SOURCE OF FUNDS:			
(a) State General Fund	2,391,599		
Total Department of Veterans Affairs	2,391,599		2,391,599
101. VETERINARY MEDICAL EXAMINERS, ALABAMA STATE BOARD OF:			
(a) Professional and Occupational Licensing and Regulation Program			40,000
SOURCE OF FUNDS:			
(1) State Board of Veterinary Medical Examiners Fund.		40,000	
As provided in Title 34, Chapter 29, 1975 Code of Alabama.			
Total Alabama State Board of Veterinary Medical Examiners		40,000	40,000
102. WOMEN'S COMMISSION, ALABAMA:			
(a) Employment and Social Opportunities Program			7,650

SOURCE OF FUNDS:		
(1) State General Fund	7,650	
Total Alabama Women's Commission	7,650	7,650
103. WOMEN'S HALL OF FAME, ALABAMA:		
(a) Historical Resources Management Program		10,200
SOURCE OF FUNDS:		
(1) State General Fund	10,200	
Total Alabama Women's Hall of Fame	10,200	10,200
104. LIBRARY SERVICE, ALABAMA PUBLIC:		
(a) Public Library Service Program		100,000
SOURCE OF FUNDS:		
(1) State General Fund	100,000	
Total Alabama Public library Service	100,000	100,000
D. OTHER FUNCTIONS OF GOVERNMENT FUNDED FROM THE STATE GENERAL FUND:		
1. ADVERTISING LANDS FOR TAX SALE:		
(a) State Revenue Administration Program, Estimated		70,000
SOURCE OF FUNDS:		
(1) State General Fund	70,000	
Total Advertising Lands for Tax Sale	70,000	70,000
2. ARREST OF ABSCONDING FELONS:		
(a) Criminal Investigation Program, Estimated		65,000

SOURCE OF FUNDS:		
(1) State General Fund	65,000	
Total Arrest of Absconding Felons	65,000	65,000
3. AUTOMATIC APPEAL EXPENSE:		
(a) Legal Advice and Legal Service Program, Estimated.....		250
SOURCE OF FUNDS:		
(1) State General Fund	250	
As provided in Title 12, Chapter 22, Sections 150 and 241, 1975 Code of Alabama.....		
Total Automatic Appeal Expense	250	250
4. CIVIL COURT COSTS IN CONNECTION WITH AD VALOREM TAX ASSESSMENTS APPEALS:		
(a) State Revenue Administration Program, Estimated.....		200
SOURCE OF FUNDS:		
(1) State General Fund	200	
Total Civil Court Costs in Connection with Ad Valorem Tax Assessments Appeals.....	200	200
5. DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES-NATIONAL CEMETERY:		112,000
For the acquisition of land in accordance with P.L. 88-578 (Land and Water Conservation Fund Act). Property will be exchanged for space for National Cemetery.		
SOURCE OF FUNDS:		
(1) State General Fund	112,000	

Total Department of Conservation and Natural Resources-National Cemetery	112,000	112,000

6. CONSUMER UTILITY RATE HEARING:

(a) Executive Direction Program		250,000
SOURCE OF FUNDS:		
(1) State General Fund	250,000	
As provided in Title 37, Chapter 1, Article 1, 1975 Code of Alabama.		
Total Consumer Utility Rate Hearing	250,000	250,000

7. COURT COSTS-ACT NO. 558, 1957:

(a) Court Operations Program, Estimated		100
SOURCE OF FUNDS:		
(1) State General Fund	100	
Pursuant to Act No. 558, 1957, page 777		
Total Court Costs-Act No. 558, 1957	100	100

8. COURT-ASSESSED COST NOT OTHERWISE PROVIDED FOR:

(a) Court Operations Program, Estimated		1,731,685
SOURCE OF FUNDS:		
(1) State General Fund	1,731,685	
Total Court-Assessed Cost Not Otherwise Provided For	1,731,685	1,731,685

9. DISTRIBUTION OF PUBLIC DOCUMENTS:

(a) Administrative Support Service Program, Estimated		45,000

SOURCE OF FUNDS:		
(1) State General Fund	45,000	
Total Distribution of Public Documents	45,000	45,000
10. ELECTION EXPENSES:		
(a) Special Services Program, Estimated		1,410,000
SOURCE OF FUNDS:		
(1) State General Fund	1,410,000	
Total Election Expenses	1,410,000	1,410,000
11. EMERGENCY FUND, DEPARTMENTAL:		
(a) Special Services Program		495,000
SOURCE OF FUNDS:		
(1) State General Fund	495,000	
(This is the appropriation contemplated in Title 41, Chapter 4, Section 94, 1975 Code of Alabama, and shall be the only amount appropriated and the total amount expended under the provisions of said section.)		
Total Departmental Emergency Fund	495,000	~~495,000~~
12. FEEDING OF PRISONERS:		
(a) Institutional Services-Corrections Program, Estimated		3,500,000
SOURCE OF FUNDS:		
(1) State General Fund	3,500,000	
For expenses of feeding prisoners in county jails..		
Total Feeding of Prisoners	3,500,000	3,500,000

13. DEPARTMENT OF FINANCE-

CAPITOL MOVING EXPENSES, ESTIMATED:		1,800,000
To be utilized to move all occupants in the State Capitol Building		
SOURCE OF FUNDS:		
(1) State General Fund	1,800,000	
Total Department of Finance-Capitol Moving Expenses, Estimated	1,800,000	1,800,00
14. DEPARTMENT OF FINANCE-FEMA, ESTIMATED:		1,000,000
Payments of the State's share of Administration costs and matching grants furnished by the Federal Emergency Management Agency		
SOURCE OF FUNDS:		
(1) State General Fund	1,000,000	
Total Department of Finance-FEMA, Estimated	1,000,000	1,000,000
15. DEPARTMENT OF FINANCE-TELEPHONE REVOLVING FUND:		400,000
SOURCE OF FUNDS:		
(1) State General Fund	400,000	
Total Department of Finance-Telephone Revolving Fund	400,000	400,000
16. FOREST FIRE FUND, EMERGENCY:		
(a) Forest Resource Protection Program		180,000
SOURCE OF FUNDS:		
(1) State General Fund-Transfer- As provided by Title 9, Chapter 30, Section 10, 1975 Code of Alabama	180,000	

Total Emergency Forest Fire Fund	180,000	180,000

17. GOVERNORS' CONFERENCE, NATIONAL:

(a) Executive Direction Program		75,550
SOURCE OF FUNDS:		
(1) State General Fund	75,550	
Total National Governors' Conference	75,550	75,550

18. GOVERNOR'S COUNCILLOR:

(a) Executive Direction Program		19,700
SOURCE OF FUNDS		
(1) State General Fund	19,700	
As provided in Title 36, Chapter 13, Section 13, 1975 Code of Ala.		
Total Governor's Councillor	19,700	19,700

19. GOVERNOR'S PROCLAMATION EXPENSES:

(a) Executive Direction Program, Estimated		150,000
SOURCE OF FUNDS:		
(1) State General Fund	150,000	
Total Governor's Proclamation Expenses	150,000	150,000

20. GOVERNOR'S WIDOWS RETIREMENT:

(a) Executive Direction Program		14,400
SOURCE OF FUNDS:		
(1) State General Fund	14,400	
Total Governor's Widows Retirement	14,400	14,400

21. INTERPRETER'S ACCOUNT:

(a) Court Support Services Program, Estimated		1,700
SOURCE OF FUNDS:		
(1) State General Fund	1,700	
As provided in Title 12, Chapter 21, Sections 131-134, 1975 Code of Alabama		
Total Interpreter's Account	1,700	1,700
22. LAW ENFORCEMENT FUND:		
(a) Criminal Investigation Program		100
SOURCE OF FUNDS:		
(1) State General Fund-Transfer	100	
Total Law Enforcement Fund	100	100
23. LAW ENFORCEMENT LEGAL DEFENSE:		
(a) Legal Advice and Legal Services Program		3,000
SOURCE OF FUNDS:		
(1) State General Fund	3,000	
To carry out provisions of Title 36, Chapter 21, Section 1, 1975 Code of Alabama.		
Total Law Enforcement Legal Defense	3,000	3,000
24. MAILING TAX NOTICES:		
(a) State Revenue Administration Program, Estimated		100
SOURCE OF FUNDS:		
(1) State General Fund	100	
Total Mailing Tax Notices	100	100
25. MENTAL HEALTH TRUST FUND, ALABAMA SPECIAL:		33,000,000

SOURCE OF FUNDS:		
(1) State General Fund-Transfer	33,000,000	
Total Alabama Special Mental Health Trust Fund	33,000,000	33,000,000
26. POLICEMAN'S SURVIVOR TUITION ACT:		
(a) Support of Other Educational Activities Program, Estimated		5,000
SOURCE OF FUNDS:		
(1) State General Fund	5,000	
Total Policeman's Survivor Tuition Act	5,000	5,000
27. PRESIDENTIAL ELECTORAL EXPENSE:		
(a) Administration of Public Documents Program, Estimated		1,000
SOURCE OF FUNDS:		
(1) State General Fund	1,000	
Total Presidential Electoral Expense	1,000	1,000
28. PRINTING OF CODE SUPPLEMENT-LEGISLATIVE REFERENCE SERVICE:		
(a) Administration of Public Documents Program, Estimated		350,000
SOURCE OF FUNDS:		
(1) State General Fund	350,000	
Total Printing of Code Supplement-Legislative Reference Service	350,000	350,000
29. PRINTING CODES AND SUPPLEMENTS-SECRETARY OF STATE:		
(a) Administration of Public Documents Program, Estimated		150,000

SOURCE OF FUNDS:		
(1) State General Fund	150,000	
Total Printing Codes and Supplements-Secretary of State	150,000	150,000

30. PRINTING OF LEGISLATIVE ACTS AND JOURNALS:

(a) Administrative Support Services Program, Estimated		410,000
SOURCE OF FUNDS:		
(1) State General Fund	410,000	
Total Printing of Legislative Acts and Journals.....	410,000	410,000

31. PRINTING OF STATE AND COUNTY PRIVILEGE LICENSES:

(a) State Revenue Administration Program, Estimated.....		25,000
SOURCE OF FUNDS:		
(1) State General Fund	25,000	
Total Printing of State and County Privilege Licenses.....	25,000	25,000

32. PUBLIC DEFENDER:

(a) Court Operations Program, Estimated.....		55,000
SOURCE OF FUNDS:		
(1) State General Fund	55,000	
For salary of Public Defender for the 21st Judicial Circuit, as provided by Title 15, Chapter 12, Section 43, 1975 Code of Alabama.....		
Total Public Defender.....	55,000	55,000

33. REGISTRATION OF VOTERS:

(a) Special Services Program, Estimated			1,000,000
SOURCE OF FUNDS:			
(1) State General Fund	1,000,000		
Total Registration of Voters	1,000,000		1,000,000
34. REMOVAL OF PRISONERS:			
(a) Administrative Services and Logistical Support Program, Estimated			200,000
SOURCE OF FUNDS:			
(1) State General Fund	200,000		
Total Removal of Prisoners	200,000		200,000
35. SOCIAL SECURITY-COUNTY JUDICIAL:			
(a) Fringe Benefit Program, Estimated			300,000
SOURCE OF FUNDS:			
(1) State General Fund	300,000		
Total Social Security-County Judicial	300,000		300,000
36. STATE GENERAL FUND, ESTIMATED:			66,680,284
SOURCE OF FUNDS:			
(1) Heritage Trust Income Fund Transfer. All income other than income realized on sale of Trust Fund assets and not otherwise appropriated herein.			
Estimated		66,680,284	
Total State General Fund, Estimated		66,680,284	66,680,284
37. STATE TREASURER-PREVIOUS YEAR'S UNPAID WARRANTS:			
(a) Special Services Program, Estimated			250,000

SOURCE OF FUNDS:		
(1) State General Fund	250,000	
Total State Treasurer-Previous Year's Unpaid Warrants	250,000	250,000
38. RECREATION CAPITAL DEVELOPMENT FUND, ALABAMA:		300,000
SOURCE OF FUNDS:		
(1) State General Fund Transfer	300,000	
Total Alabama Recreation Capital Development Fund ...	300,000	300,000
E. FINANCIAL ASSISTANCE TO NON-STATE AGENCIES:		
1. ANNISTON SUBREGIONAL LIBRARY FOR THE BLIND AND PHYSICALLY HANDICAPPED:		
(a) Public Library Services Program		4,500
SOURCE OF FUNDS:		
(1) State General Fund	4,500	
Total Anniston Subregional Library for the Blind and Physically Handicapped	4,500	4,500
2. APPALACHIAN REGIONAL COMMISSION:		
(a) Planning Program		189,970
SOURCE OF FUNDS:		
(1) State General Fund	189,970	
Total Appalachian Regional Commission	189,970	189,970
3. ARMED FORCES DAY IN ALABAMA:		
(a) Historical Resources Management Program		836

SOURCE OF FUNDS:		
(1) State General Fund	836	
Total Armed Forces Day in Alabama	836	836
4. ARMY AVIATION MUSEUM, FORT RUCKER, AL:		
(a) Historical Resources Management Program		75,000
SOURCE OF FUNDS:		
(1) State General Fund	75,000	
Total Army Aviation Museum, Fort Rucker, AL	75,000	75,000
5. ARTS HALL OF FAME, ALABAMA:		
(a) Fine Arts Program		4,500
SOURCE OF FUNDS:		
(1) State General Fund	4,500	
Total Alabama Arts Hall of Fame	4,500	4,500
6. AZALEA TRAIL FESTIVAL, MOBILE:		
(a) Tourism and Travel Promotion Program		1,556
SOURCE OF FUNDS:		
(1) State General Fund	1,556	
Total Mobile Azalea Trail Festival	1,556	1,556
7. BIG NANCE CREEK WATER MANAGEMENT DISTRICT:		
(a) Water Resource Development Program		1,400
SOURCE OF FUNDS:		
(1) State General Fund	1,400	

Total Big Nance Creek Water Management District	1,400	1,400

8. BIRMINGHAM CHAMBER MUSIC SOCIETY:

(a) Fine Arts Program		1,556
SOURCE OF FUNDS:		
(1) State General Fund	1,556	
Total Birmingham Chamber Music Society	1,556	1,556

9. BIRMINGHAM FETIVAL OF ARTS, INC.:

(a) Fine Arts Program		15,230
SOURCE OF FUNDS:		
(1) State General Fund	15,230	
Total Birmingham Festival of Arts, Inc.	15,230	15,230

10. BIRMINGHAM INTERNATIONAL EDUCATIONAL FILM FESTIVAL:

(a) Fine Arts Program		7,500
SOURCE OF FUNDS:		
(1) State General Fund	7,500	
Total Birmingham International Educational Film Festival	7,500	7,500

11. BLUE AND GRAY ASSOCIATION, INC.:

(a) Tourism and Travel Promotion Program		5,602
SOURCE OF FUNDS:		
(1) State General Fund	5,602	
Total Blue and Gray Association, Inc.	5,602	5,602

12. CHILTON COUNTY PEACH FESTIVAL:		
(a) Tourism and Travel Promotion Program		11,250
SOURCE OF FUNDS:		
(1) State General Fund	11,250	
Total Chilton County Peach Festival	11,250	11,250
13. CHOCCOLOCCO CREEK WATERSHED ASSOCIATION:		
(a) Water Resource Development Program		2,183
SOURCE OF FUNDS:		
(1) State General Fund	2,183	
Total Choccolocco Creek Watershed Association	2,183	2,183
14. CIVIL AIR PATROL:		
(a) Readiness and Recovery Program		40,000
SOURCE OF FUNDS:		
(1) State General Fund	40,000	
Total Civil Air Patrol	40,000	40,000
15. COOSA-ALABAMA RIVER IMPROVEMENT ASSOCIATION:		
(a) Water Resource Development Program		7,784
SOURCE OF FUNDS:		
(1) State General Fund	7,784	
Total Coosa-Alabama River Improvement Association	7,784	7,784
16. COOSA RIVER ACTION COUNCIL, INC.:		
(a) Water Resource Development Program		6,221

SOURCE OF FUNDS:		
(1) State General Fund	6,221	
Total Coosa River Action Council, Inc.....	6,221	6,221
17. DEEP SEA FISHING RODEO, ALABAMA:		
(a) Tourism and Travel Promotion Program		935
SOURCE OF FUNDS:		
(1) State General Fund	935	
Total Alabama Deep Sea Fishing Rodeo	935	935
18. DORSE, MARY E., RECREATIONAL AND EDUCATIONAL CENTER:		
(a) Special Services Program		3,638
SOURCE OF FUNDS:		
(1) State General Fund	3,638	
Total Mary E. Dorse Recreational and Educational Center	3,638	3,638
19. DYNNE CREEK WATERSHED CONSERVANCY DISTRICT:		
(a) Water Resource Development Program		1,400
SOURCE OF FUNDS:		
(1) State General Fund	1,400	
Total Dynne Creek Watershed Conservancy District	1,400	1,400
20. EAST ALABAMA CHILD DEVELOPMENT PROGRAM:		
(a) Financial Assistance Program .		825,000
SOURCE OF FUNDS:		
(1) State General Fund	825,000	

Total East Alabama Child Development Program	825,000	825,000
21. ELK RIVER DEVELOPMENT AGENCY:		
(a) Water Resource Development Program		4,656
SOURCE OF FUNDS:		
(1) State General Fund	4,656	
Total Elk River Development Agency	4,656	4,656
22. ENERGY BOARD, SOUTHERN STATES:		
(a) Discovery and Development of Mineral, Energy and Water Resources, Geologic Research and Topographic Mapping Program.		20,536
SOURCE OF FUNDS:		
(1) State General Fund	20,536	
Total Southern States Energy Board	20,536	20,536
23. FESTIVAL ON THE RIVER, GENEVA COUNTY:		
(a) Tourism and Travel Promotion Program		3,000
SOURCE OF FUNDS:		
(1) State General Fund	3,000	
Total Festival on the River, Geneva County	3,000	3,000
24. FOREST FESTIVAL, ALABAMA:		
(a) Forest Information and Education Program		4,610
SOURCE OF FUNDS:		
(1) State General Fund	4,610	
Total Alabama Forest Festival	4,610	4,610

24A. GULF SHORES TOURIST ASSOCIATION:		
(a) Tourism and Travel Promotion Program		8,398
SOURCE OF FUNDS:		
(1) State General Fund	8,398	
Total Gulf Shores Tourist Association	8,398	8,398
25. GUNTERSVILLE BOAT RACES:		
(a) Tourism and Travel Promotion Program		9,068
SOURCE OF FUNDS:		
(1) State General Fund	9,068	
Total Guntersville Boat Races	9,068	9,068
26. HANK WILLIAMS MEMORIAL ASSOCIATION:		
(a) Historical Resources Management Program		3,110
SOURCE OF FUNDS:		
(1) State General Fund	3,110	
Total Hank Williams Memorial Association	3,110	3,110
27. HELEN KELLER PROPERTY BOARD:		
(a) Historical Resources Management Program		30,000
SOURCE OF FUNDS:		
(1) State General Fund	30,000	
Total Helen Keller Property Board	30,000	30,000
28. INTERSTATE MINING COMMISSION:		
(a) Planning Program		7,292

SOURCE OF FUNDS:		
(1) State General Fund	7,292	
Total Interstate Mining Commission	7,292	7,292

29. JUNIOR MISS PAGEANT, INC., AMERICA'S:

(a) Tourism and Travel Promotion Program		50,000
SOURCE OF FUNDS:		
(1) State General Fund	50,000	
Total America's Junior Miss Pageant, Inc.	50,000	50,000

30. KETCHEPEDRAKEE CREEK WATERSHED CONSERVANCY DISTRICT:

(a) Water Resource Development Program		1,400
SOURCE OF FUNDS:		
(1) State General Fund	1,400	
Total Ketchepedrakee Creek Watershed Conservancy District	1,400	1,400

31. **LAKE EUFAULA SUMMER** SPECTACULAR:

(a) Tourism and Travel Promotion Program		5,602
SOURCE OF FUNDS:		
(1) State General Fund	5,602	
Total Lake Eufaula Summer Spectacular	5,602	5,602

32. LANDMARKS FOUNDATION, INC.:

(a) Historical Resources Management Program		5,625

SOURCE OF FUNDS:		
(1) State General Fund	5,625	
Total Landmarks Foundation, Inc.	5,625	5,625
33. MOBILE AREA MARDI GRAS ASSOCIATION:		
(a) Tourism and Promotion Program		2,175
SOURCE OF FUNDS:		
(1) State General Fund	2,175	
Total Mobile Area Mardi Gras Association	2,175	2,175
34. MOBILE CARNIVAL ASSOCIATION:		
(a) Tourism and Travel Promotion Program		2,800
SOURCE OF FUNDS:		
(1) State General Fund	2,800	
Total Mobile Carnival Association	2,800	2,800
35. MOBILE EXPLOREUM-MEDICAL:		
(a) Educational Museum Services Program		25,000
SOURCE OF FUNDS:		
(1) State General Fund	25,000	
Total Mobile Exploreum-Medical	25,000	25,000
36. MOTOR SPORTS HALL OF FAME:		
(a) Tourism and Travel Promotion Program		75,000
SOURCE OF FUNDS:		
(1) State General Fund	75,000	

Total Motor Sports Hall of Fame	75,000	75,000
37. MOUNTAIN LAKES TOURIST ASSOCIATION, ALABAMA:		
(a) Tourism and Travel Promotion Program		14,306
SOURCE OF FUNDS:		
(1) State General Fund	14,306	
Total Mountain Lakes Tourist Association, Alabama	14,306	14,306
38. MUSIC HALL OF FAME, ALABAMA:		
(a) Fine Arts Program		25,000
SOURCE OF FUNDS:		
(1) State General Fund	25,000	
Total Alabama Music Hall of Fame	25,000	25,000
39. PEA RIVER HISTORICAL AND GENEALOGICAL SOCIETY:		
(a) Historical Resources Management Program		3,110
SOURCE OF FUNDS:		
(1) State General Fund	3,110	
Total Pea River Historical and Genealogical Society	3,110	3,110
40. PEA RIVER WATERSHED CONSERVANCY DISTRICT:		
(a) Water Resource Development Program		1,400
SOURCE OF FUNDS:		
(1) State General Fund	1,400	
Total Pea River Watershed Conservancy District	1,400	1,400
41. PEANUT FESTIVAL		

ASSOCIATION, INC., NATIONAL:		
(a) Tourism and Travel Promotion Program		8,250
SOURCE OF FUNDS:		
(1) State General Fund	8,250	
Total National Peanut Festival Association, Inc.	8,250	8,250
42. PIKE COUNTY PIONEER MUSEUM ASSOCIATION:		
(a) Historical Resources Management Program		5,000
SOURCE OF FUNDS:		
(1) State General Fund	5,000	
Total Pike County Pioneer Museum Association	5,000	5,000
43. RIVERBOAT COMMISSION, INC., MONTGOMERY:		
(a) Tourism and Travel Promotion Program		14,005
SOURCE OF FUNDS:		
(1) State General Fund	14,005	
Total Montgomery Riverboat Commission	14,005	14,005
44. SAFE PLACE:		
(a) Social Services Program		15,000
SOURCE OF FUNDS:		
(1) State General Fund	15,000	
Total Safe Place	15,000	15,000
45. SENIOR BOWL-MOBILE:		
(a) Tourism and Travel Promotion Program		25,000

SOURCE OF FUNDS:		
(1) State General Fund	25,000	
Total Senior Bowl-Mobile	25,000	25,000
46. SHELBY COUNTY HISTORICAL ASSOCIATION:		
(a) Historical Resources Management Program		3,750
SOURCE OF FUNDS:		
(1) State General Fund	3,750	
Total Shelby County Historical Association	3,750	3,750
47. SICKLE CELL EDUCATION PROGRAM:		
(a) East Alabama Sickle Cell.....		52,500
(b) Jefferson County Sickle Cell ..		52,500
(c) Mobile Sickle Cell		52,500
SOURCE OF FUNDS:		
(1) State General Fund	157,500	
Total Sickle Cell Education Program	157,500	157,500
48. SOUTHERN CENTER FOR INTERNATIONAL STUDIES, ANNUAL MEMBERSHIP:		
(a) Special Services Program		18,750
SOURCE OF FUNDS:		
(1) State General Fund	18,750	
Total Southern Center for International Studies, Annual Membership	18,750	18,750
49. SOUTHERN CHAMPIONSHIP CHARITY HORSESHOW:		
(a) Tourism and Travel Promotion Program		3,110
SOURCE OF FUNDS:		
(1) State General Fund	3,110	

Total Southern Championship Charity Horseshow	3,110	3,110

50. SPIRIT OF AMERICA FESTIVAL, INC.

(a) Tourism and Travel Promotion Program		2,801
SOURCE OF FUNDS:		
(1) State General Fund	2,801	
Total Spirit of America Festival, Inc.	2,801	2,801

51. STEER SHOW ASSOCIATION, ALABAMA STATE:

(a) Agricultural Development Services Program		15,000
SOURCE OF FUNDS:		
(1) State General Fund	15,000	
Total Alabama State Steer Show Association	15,000	15,000

52. TALLACOOSA HIGHLAND LAKES ASSOCIATION:

(a) Tourism and Travel Promotion Program		5,602
SOURCE OF FUNDS:		
(1) State General Fund	5,602	
Total Tallacoosa Highland Lakes Association	5,602	5,602

53. TALLASSEEHATCHIE CREEK WATERSHED CONSERVANCY DISTRICT:

(a) Water Resource Development Program		1,237
SOURCE OF FUNDS:		
(1) State General Fund	1,237	
Total Tallasseehatchie Creek		

Watershed Conservancy District	1,237	1,237
54. TENNESSEE RIVER VALLEY ASSOCIATION:		
(a) Water Resource Development Program		8,708
SOURCE OF FUNDS: (1) State General Fund	8,708	
Total Tennessee River Valley Association	8,708	8,708
55. TENNESSEE VALLEY PUBLICITY AND IMPROVEMENT ASSOCIATION:		
(a) Tourism and Travel Promotion Program		24,881
SOURCE OF FUNDS: (1) State General Fund	24,881	
Total Tennessee Valley Publicity and Improvement Association	24,881	24,881
56. TERRAPIN CREEK WATERSHED CONSERVANCY DISTRICT:		
(a) Water Resource Development Program		1,400
SOURCE OF FUNDS: (1) State General Fund	1,400	
Total Terrapin Creek Watershed Conservancy District	1,400	1,400
57. TRAVEL COUNCIL, ALABAMA:		
(a) Tourism and Travel Promotion Program		40,000

SOURCE OF FUNDS:		
(1) State General Fund	40,000	
Total Alabama Travel Council	40,000	40,000

58. TRI-RIVERS WATERWAY DEVELOPMENT ASSOCIATION:

(a) Water Resource Development Program		16,794
SOURCE OF FUNDS:		
(1) State General Fund	16,794	
Total Tri-Rivers Waterway Development Association	16,794	16,794

59. VESTAVIA HILLS DOGWOOD FESTIVAL AND TRAIL:

(a) Tourism and Travel Promotion Program		1,500
SOURCE OF FUNDS:		
(1) State General Fund	1,500	
Total Vestavia Hills Dogwood Festival and Trail.....	1,500	1,500

60. VETERANS DAY IN ALABAMA:

(a) Historical Resources Management Program.....		1,244
SOURCE OF FUNDS:		
(1) State General Fund	1,244	
Total Veterans Day in Alabama	1,244	1,244

61. VETERANS DAY COMMITTEE, NATIONAL:

(a) Historical Resources Management Program.....		4,358
SOURCE OF FUNDS:		
(1) State General Fund	4,358	
Total National Veterans Day Committee	4,358	4,358

62. W. C. HANDY PROPERTY BOARD:		
(a) Historical Resources Management Program		15,000
SOURCE OF FUNDS:		
(1) State General Fund	15,000	
Total W. C. Handy Property Board	15,000	15,000
63. Y.M.C.A. YOUTH LEGISLATURE:		
(a) Special Services Program		11,250
SOURCE OF FUNDS:		
(1) State General Fund	11,250	
Total Y.M.C.A. Youth Legislature	11,250	11,250
64. SIMPSON-MAY CEREBRAL PALSY CENTER:		
(a) Special Services Program		35,000
SOURCE OF FUNDS:		
(1) State General Fund	35,000	
Total Simpson-May Cerebral Palsy Center	35,000	35,000
65. ELYTON RECOVERY CENTER:		
(a) Non-Institutional Treatment and Care Program		100,000
SOURCE OF FUNDS:		
(1) State General Fund	100,000	
Total Elyton Recovery Center	100,000	100,000
66. ALABAMA COAL MINING MUSEUM, INC:		
(a) Tourism and Travel Promotion Program		25,000
SOURCE OF FUNDS:		
(1) State General Fund	25,000	

Total Alabama Coal Mining Museum, Inc.	25,000	25,000
67. POP WARNER NATIONAL BOWL:		
(a) Tourism and Travel Promotion Program		20,000
SOURCE OF FUNDS:		
(1) State General Fund	20,000	
Total Pop Warner National Bowl	20,000	20,000
68. HIGH TECHNOLOGY ECONOMIC DEVELOPMENT FOUNDATION, INC.:		50,000
SOURCE OF FUNDS:		
(1) State General Fund	50,000	
Total High Technology Economic Development Foundation, Inc.	50,000	50,000
69. GEORGE LINDSEY CELEBRITY BENEFIT, INC.:		
(a) Tourism and Travel Promotion Program		7,500
SOURCE OF FUNDS:		
(1) State General Fund	7,500	
Total George Lindsey Celebrity Benefit, Inc.	7,500	7,500
F. DEBT SERVICE FUNDED FROM THE STATE GENERAL FUND:		
1. General Obligation Capital Improvement Bonds, Series A and B, Estimated		1,371,308
SOURCE OF FUNDS:		
(1) State General Fund-Transfer	1,371,308	
Total General Obligation		

	Capital Improvement Bonds, Series A and B, Estimated....	1,371,308	1,371,308
2.	General Obligation Coosa Waterway Bonds, Series A and B, Estimated .		1,020,797
	SOURCE OF FUNDS: (1) State General Fund-Transfer.....	1,020,797	
	Total General Obligation Coosa Waterway Bonds, Series A and B, Estimated.....	1,020,797	1,020,797
3.	General Obligation Docks Facilities Bonds, Series A-C, Estimated.....		4,405,100
	SOURCE OF FUNDS: (1) State General Fund-Transfer.....	4,405,100	
	Total General Obligation Docks Facilities Bonds, Series A-C, Estimated.....	4,405,100	4,405,100
4.	Inland Waterway Improvement Bonds, Series A, Estimated.....		179,912
	SOURCE OF FUNDS: (1) State General Fund-Transfer.....	179,912	
	Total Inland Waterway Improvement Bonds, Series A, Estimated.....	179,912	179,912
5.	Tennessee-Tombigbee Waterway Bonds, Series A-D, Estimated		4,163,661
	SOURCE CF FUNDS: (1) State General Fund-Transfer Estimated pursuant to Constitutional Amendment No. CCLXX as provided in Act No. 248, 1967 Regular Session	4,163,661	
	Total Tennessee-Tombigbee		

Waterway Bonds, Series A-D, Estimated	4,163,661	4,163,661
6. Corrections Institution Bonds, Estimated		1,054,062
SOURCE OF FUNDS:		
(1) State General Fund-Transfer, Estimated	1,054,062	
Pursuant to Constitutional Amendment No. 374 as provided for in Act No. 134, 1978 Second Special Session.		
Total Corrections Institution Bonds, Estimated	1,054,062	1,054,062
7. General Obligation Bonds, 1982, Series A and B, and General Obligation Refunding Bonds, 1983, Series A and B, Estimated		55,309,820
SOURCE OF FUNDS:		
(1) State General Fund-Transfer, Estimated	55,309,820	
Total General Obligation Bonds, 1982, Series A and B, and General Obligation Refunding Bonds, 1983, Series A and B, Estimated	55,309,820	55,309,820

Section 3. That, except as may be herein otherwise provided, that amounts herein specifically appropriated shall be in lieu of the amounts heretofore provided or appropriated by law for such purposes. That the amounts herein appropriated are the maximum amounts to be expended for the purposes herein designated and in no event shall the maximum expenditure provided for any items of expense exceed the amount allocated herein except as may be provided for under Section 5 and 6 of this bill, as provided in the Budget Management Act of 1976, Title 41, Chapter 19, Sections 1 through 12, 1975 Code of Alabama as amended, and those appropriations herein made, except appropriations to the Alabama Alcoholic Beverage Control Board for the purchase of alcoholic beverages, are and shall be subject to the terms, conditions, provisions and limitations of Title 41, Chapter 4, Article 4, Sections 80-96, 1975 Code of Alabama and the Budget Management Act of 1976, Title 41, Chapter 19, Sections 1 through 12, 1975 Code of Alabama as amended.

Section 4. That any surplus remaining in any appropriation herein made from the State General Fund to any office, department, bureau, board, commission, or agency may be transferred, on order of the Governor,

to any other appropriation herein made from the State General Fund when such appropriation to any office, department, bureau, board, commission, or agency is insufficient to pay salaries in that office, department, bureau, board, commission, or agency.

Section 5. In addition to appropriations herein made, all gifts, grants, contributions, appropriations, entitlements or any other funds, in excess of the amount carried in the bill, including grants by the Congress of the United States, municipalities or counties, to any department, division, board, bureau, commission, agency, institution, office or officer of the State of Alabama are hereby appropriated and, in the event the same are recurring, are reappropriated to such department, division, board, bureau, commission, agency, institution, office or officer to be used only for the purpose or purposes for which the grant or contribution was or shall be made. Further, all state, county and educational entities are authorized to disburse such sums as deemed necessary by mutual agreement between said entities and the State of Alabama, Department of Examiners of Public Accounts to partially defray the cost of auditing services performed by said agency. All such sums are hereby appropriated and reappropriated if necessary to the Department of Examiners of Public Accounts for audit services, to be expended through the fund established by the Code of Alabama 1975, §41-5-24.

Section 6. That, if any section, paragraph, sentence, clause, provision, or portion of the Act or all or any portion of any appropriation herein made be held unconstitutional or invalid, it shall not affect any other section, paragraph, sentence, clause, provision or portion of this Act or any other appropriation or appropriations or portion thereof hereby made not in and of itself unconstitutional or invalid.

Section 7. That all laws and parts of laws, general, special, private, or local in conflict with or inconsistent with the provisions of this Act be and the same are hereby expressly repealed.

Section 8. That each Department of the State funded through the provisions of this budget shall provide an equal opportunity for employment and business opportunities for all citizens of this state without regard to sex or race.

Section 9. That this Act shall become effective October 1, 1983.

Yeas 95; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grouby, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, Manley, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Trammell, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Wilson, Wright and Zoghby.

—95

COMMITTEE APPOINTED

The Speaker appointed as a committee on the part of the House Reps. Coburn, Casey, and Holley.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 244. To further amend §§40-18-42, 40-18-80, 40-18-82, and 40-18-83, Code of Alabama 1975, so as to provide for elimination of installment payments of income tax by corporations and fiduciaries and to require the filing and payment of declarations of estimated income tax by corporations.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Coburn the House concurred in and adopted the Senate amendment to the bill, H. 244, said Senate amendment being as follows:

Amend House Bill 244 on page 1 in the Synopsis on line 12 and in the Title on line 22 after the period after the word "corporations" by inserting the following:

"This bill will also allow as a deduction for corporate income tax purposes limited carry forward (but no carry back) of corporate net operating losses."

Further amend House Bill 244 by adding a new section 6 on page 11, after line 32, as follows and by renumbering the remaining sections accordingly:

"Section 6. Carry forward of net operating losses.

In computing the net income of domestic and foreign corporations subject to income tax as outlined in Section 40-18-35, there shall be allowed; in addition to the deductions specified in sub section (1) - (13) inclusive, thereof; a deduction for the sum of the net operating losses which may be carried forward to the taxable year for which the net income of the corporation is being computed, provided that the deduction under this subdivision shall not exceed $500,000 in any taxable year.

a. The term "net operating loss" for purposes of this section means the excess of the deductions (other than the deduction allowed by this subdivision) allowed by this chapter during a taxable year of the corporation which begins after December 31, 1983 over the corporation's gross income during such taxable year. For purposes of this paragraph, the corporation's gross income and allowable deductions shall be determined under the provisions of this chapter applicable to the year in which the net operating loss arises.

b. A net operating loss shall be carried forward to the earliest subsequent year in which the corporation has net income (determined without taking into account the deduction allowed by this subdivision). The amount of a net operating loss which may be carried to any later taxable year shall be the excess of the net operating loss over the sum of the amounts thereof deductible under this subdivision in all the taxable years preceding this tax-

able year, except that no net operating loss may be carried forward to and deducted in a taxable year that begins more than five years after the first day of the taxable year in which it was incurred.

c. If net operating losses arising in more than one year can be carried to a taxable year of the corporation, the net operating loss arising from the earliest of such years shall be deducted first.

d. In the case of a non-resident foreign corporation, the net operating loss deduction allowed by the section shall be limited to sources attributable to Alabama."

To amend H.B. 244 as amended by Finance and Taxation Committee Amendment. Section 6b is hereby amended to read as follows:

"b. A net operating loss shall be carried forward to the earliest subsequent year in which the corporation has net income (determined without taking into account the deduction allowed by this subdivision). The amount of a net operating loss which may be carried to any later taxable year shall be the excess of the net operating loss over the sum of the amounts thereof deductible under this subdivision in all the taxable years preceding this taxable year."

and by adding section 6e as follows:

"e. This deduction shall be limited as follows:

(1) Any loss arising in any year beginning during 1984 may be carried forward five years.

(2) Any loss arising in any year beginning during 1985 may be carried forward four years.

(3) Any loss arising in any year beginning during 1986 may be carried forward three years.

(4) Any loss arising in any year beginning during 1987 may be carried forward two years.

(5) Any loss arising in any year beginning during 1988 may be carried forward one year and

(6) Any loss in any year beginning after December 31, 1988 may not be carried forward."

Amend the Finance and Taxation Amendment to House Bill 244 on page 1, in the first paragraph of "Section 6," after the word "exceed" strike the figure "$500,000" and insert in lieu thereof the figure "$600,000".

Yeas 87; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Biddle, Blake, Blakeney, Boles, Box, Browder, Bryant, Buskey, Butler, Campbell, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Hettinger, Holley, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Melton, Minus, Moore, Murphy, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Rice, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Thomas, Thornton, Trammell, Turner, Venable, Waggoner, White (F), White (L),

Williams, Wilson, Wright and Zoghby.

—87

And the bill:

H. 244. To further amend §§40-18-42, 40-18-80, 40-18-82, and 40-18-83, Code of Alabama 1975, so as to provide for elimination of installment payments of income tax by corporations and fiduciaries and to require the filing and payment of declarations of estimated income tax by corporations. This bill will also allow as a deduction for corporate income tax purposes limited carry forward (but no carry back) of corporate net operating losses.

As thus amended, was again read at length and passed.

Yeas 80; Nays 9.

Yeas:

Mr. Speaker, Adams, Ashley, Biddle, Blake, Blakeney, Boles, Bowling, Box, Browder, Bryant, Buskey, Campbell, Carter, Casey, Clark, Clikas, Coburn, Coleman, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Harper, Harvey, Hettinger, Holley, Horn, Howard, Johnson (A.L.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, McMillan, Manley, Melton, Minus, Mitchell, Moore, Murphy, Newman, Nicholson, Owens, Parker, Penry, Poole, Preuitt, Rice, Rogers, Sasser, Scott, Smith, Starkey, Starr, Thomas, Thornton, Trammell, Turner, Venable Waggoner, White (F), White (L), Williams, Wright and Zoghby.

—80

Nays:

Reps. Brooks, Butler, Cosby, Hammett, Johnson (R.G.), Lewis, McKee, Payne and Wilson.

—9

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 420. To amend the following sections of the Code of Alabama 1975: §40-14-40 and 40-14-43. These amendments will increase the amount of franchise tax levy on domestic corporations, and amend the distribution formula to adjust for the increase.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The motion offered by Rep. Campbell that the House concur in and adopt the Senate amendment to the bill, H. 420, was lost, said Senate amendment being as follows:

A BILL
TO BE ENTITLED
AN ACT

To amend Sections 40-14-40 and 40-14-43, Code of Alabama 1975, so as

to increase the amount of franchise tax levy on domestic corporations and change the distribution formula to adjust for the increase.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 40-14-40 and 40-14-43, Code of Alabama 1975, are hereby amended to read as follows:

"§40-14-40.

"Every corporation organized under the laws of this state, except strictly benevolent, educational or religious corporations, shall pay annually to the state an annual franchise tax of ~~$3.00 on each $1,000.00 of~~ based on its capital stock; as follows:

For the tax year beginning	Rate on each $1,000.00 of capital stock
January 1, 1984	$9.00
And all tax years thereafter	$9.00

provided, that in no event shall the amount paid by any corporation for annual franchise tax be less than the sum of ~~$25.00~~ $100.00

"§40-14-43.

"Remittance of the franchise tax required by the above sections shall be made to the department of revenue at Montgomery, Alabama, with checks payable to the state treasurer of Alabama. ~~Two twenty-fifths of the~~ The franchise tax collected shall be distributed as follows: One part, which shall be known as the 'Counties Portion,' shall be apportioned by the department of revenue to the several counties in which the corporation does business, in proportion to the amount of taxable property of such corporation in each of said counties, and the comptroller shall draw his warrant payable to the county treasurer of each county in such proportion upon certificate of the department of revenue. ~~One-fifth~~ One portion of the franchise tax collected shall be deposited in the state treasury to the credit of the state public welfare trust fund and is hereby appropriated for general welfare purposes; the remainder of said tax shall be paid by the department of revenue to the general fund. The annual portions referred to above shall be in accordance with the following distribution schedule:

"Distribution Schedule

"For the tax year beginning	Counties Portion	Public Welfare Trust Fund Portion	General Fund
January 1, 1984	6.6%	16.4%	77%
And all tax years Thereafter	6.6%	16.4%	77%

In this section, 'general welfare purposes' means:

"(1) The administration of public assistance as set out in Sections 38-2-5 and 38-4-1;

"(2) Services, including supplementation and supplementary services under the Federal Social Security Act to or on behalf of persons to whom such public assistance may be given under said Section 38-4-1;

"(3) Services to and on behalf of dependent, neglected or delinquent children; and

"(4) Investigative and referral services to and on behalf of needy persons."

Section 2. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This Act shall become effective January 1, 1984, following its passage and approval by the Governor or upon its otherwise becoming a law.

Yeas 36; Nays 60.

Yeas:

Mr. Speaker, Albright, Ashley, Biddle, Blake, Bowling, Brakefield, Browder, Bryant, Buskey, Campbell, Casey, Coburn, Coleman, Crow, Davis, Drinkard, Dutton, Ford, Goodwin, Harvey, Johnson (Roy), Junkins, Kennedy, Langford, Lauderdale, Mathis, Minus, Newman, Nicholson, Parker, Poole, Starkey, Thomas, Trammell and Turner.

—36

Nays:

Reps.: Adams, Blakeney, Boles, Box, Brooks, Butler, Carothers, Carter, Clark, Clikas, Cosby, Escott, Faulk, Freeman, Gaston, Grimsley, Grouby, Hall, Hammett, Harper, Hettinger, Holley, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Kvalheim, Laird, Layton, Lewis, McKee, McMillan, Manley, Melton, Mitchell, Moore, Murphy, Owens, Payne, Penry, Rains, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starr, Stout, Thornton, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

—60

MOTION TO RECONSIDER ADOPTED

Having voted on the prevailing side, Rep. Boles offered the motion to reconsider the vote by which the House failed to concur in the Senate amendment to the bill, H. 420, and the motion to reconsider was adopted.

Yeas 68; Nays 22.

Yeas:

Mr. Speaker, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Browder, Bryant, Buskey, Butler, Campbell, Carter, Casey, Clark, Coburn, Coleman, Crow, Davis, Drinkard, Dutton, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Hall, Harper, Harvey, Hettinger, Holley, Holmes, Howard, Johnson (Roy), Junkins, Kvalheim, Langford, Lauderdale, Layton, Lewis, McMillan, Manley, Mathis, Minus, Moore, Murphy, Newman, Nicholson, Owens, Parker, Penry, Poole, Reed, Richardson, Smith, Starkey, Thomas, Trammell, Turner, Venable, White (L), Williams, Wright and Zoghby.

—68

Nays:

Reps.: Adams, Brooks, Clikas, Cosby, Escott, Grimsley, Grouby, Hammett,

Horn, Johnson (R.G.), Kennedy, Laird, McKee, Melton, Payne, Rice, Sasser, Scott, Starr, Waggoner, Warren and Wilson.

—22

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bill, your signature thereto is requested:

S. 377. Relating to Mobile County; providing that the operation of bingo games for prizes or money only by qualified organizations for bona fide charitable, educational, or other lawful purposes shall be legal in Mobile County; grandfathering in certain non-profit organizations which have had public bingo games over a certain period and proposing a location for any future bingo or other gaming operations; providing for permits or licenses, applications, forms and contents to operate bingo, providing for special permits or licenses, prohibiting certain activities and imposing special requirements; providing for fees and expenses; providing for the disposition of proceeds; providing for the operation of bingo; providing for the keeping of records and their inspection; providing for the issuance and revocation of permits or licenses; providing for supervision by the circuit court; providing for certain powers and duties of the sheriff; providing for penalties and forfeitures; and providing that this Act shall become effective upon the adoption of an amendment to the Constitution of Alabama authorizing bingo in Mobile County, and approved at a referendum on the subject in the county; provided, however, if said amendment is approved by a majority of the voters casting ballots thereon in Mobile County, no further referendum is needed.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Bill, the title of which is set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the House Bill:

H. 236. To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, for other functions of government, for interest on the public debt, and for capital outlay for the fiscal year ending September 30, 1984.

And the President and Presiding Officer of the Senate has appointed as Committee on part of the Senate Senators: Mitchem, Bishop, and Denton.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 299. To amend Section 13A-7-1, Code of Alabama 1975, which provides for the definitions relating to the crimes of burglary and criminal trespass, so as to provide further for said definitions.

McDOWELL LEE,
Secretary.

H. 420 RECONSIDERED

Rep. Johnson (Roy) offered the motion that the House concur in and adopt the Senate amendment to the bill, H. 420, previously set out in a Message from the Senate.

SUBSTITUTE MOTION TABLED

On motion of Rep. Johnson (Roy), the substitute motion offered by Rep. Payne that the House non-concur in the Senate amendment to the bill, H. 420, and requested a Committee on Conference be appointed to reconcile the differences between the two Houses on the Senate amendment, was tabled.

Yeas 53; Nays 45.

Yeas:

Mr. Speaker, Albright, Ashley, Bennett, Blake, Boles, Bowling, Brakefield, Browder, Bryant, Buskey, Butler, Campbell, Casey, Clark, Coburn, Coleman, Crow, Davis, Drinkard, Dutton, Ford, Goodwin, Grimsley, Harper, Harvey, Holley, Holmes, Horn, Howard, Johnson (Roy), Junkins, Laird, Langford, Lauderdale, Layton, Lewis, Mathis, Minus, Mitchell, Newman, Nicholson, Parker, Penry, Reed, Richardson, Rogers, Smith, Starkey, Thomas, Trammell, Turner and Williams.

—53

Nays:

Reps.: Adams, Box, Brooks, Carothers, Carter, Clikas, Cosby, Escott, Faulk, Flowers, Freeman, Gaston, Grouby, Hall, Hammett, Hettinger, Johnson (A.L.), Johnson (R.G.), Kennedy, Kvalheim, McKee, McMillan, Manley, Melton, Murphy, Owens, Payne, Poole, Preuitt, Rains, Rice, Sasser, Scott, Seibels, Starr, Stout, Thornton, Turnham, Waggoner, Warren, White (F), White (L), Wilson, Wright and Zoghby.

—45

AMENDMENT ADOPTED

The question then was on the motion offered by Rep. Johnson (Roy) that the House concur in and adopt the Senate amendment to the bill, H. 420, and the motion was adopted.

Yeas 54; Nays 45.

Yeas:

Mr. Speaker, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Bowling, Brakefield, Browder, Bryant, Buskey, Butler, Campbell, Casey, Clark,

Coburn, Coleman, Crow, Davis, Drinkard, Dutton, Escott, Ford, Goodwin, Grimsley, Harvey, Holley, Holmes, Horn, Johnson (Roy), Junkins, Kennedy, Langford, Lauderdale, Layton, Lewis, Martin, Mathis, Minus, Mitchell, Moore, Newman, Nicholson, Parker, Poole, Reed, Rogers, Smith, Starkey, Thomas, Trammell, Turner and Williams.

—54

Nays:

Reps.: Adams, Boles, Box, Brooks, Carothers, Carter, Clikas, Cosby, Faulk, Freeman, Gaston, Grouby, Hammett, Harper, Hettinger, Johnson (A.L.), Johnson (R.G.), Kvalheim, Laird, McKee, McMillan, Manley, Melton, Murphy, Owens, Payne, Preuitt, Rains, Rice, Richardson, Sasser, Scott, Seibels, Starr, Stout, Thornton, Turnham, Venable, Waggoner, Warren, White (F), White (L), Wilson, Wright and Zoghby.

—45

The question was then on the passage of the bill, H. 420 as amended.

MOTION TO NON-CONCUR IN BILL

Rep. Manley offered the motion that the House non-concur in the passage of the bill, H. 420, and requested a Committee on Conference be appointed to reconcile the difference between the two Houses on the Senate amendment.

MOTION TO TABLE LOST

The motion offered by Rep. Johnson (Roy), to table the motion to non-concur offered by Rep. Manley, was lost.

Yeas 43; Nays 56.

Yeas:

Mr. Speaker, Albright, Ashley, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Browder, Bryant, Buskey, Campbell, Casey, Clark, Coburn, Coleman, Crow, Davis, Drinkard, Dutton, Ford, Goodwin, Grimsley, Harvey, Holley, Holmes, Johnson (Roy), Junkins, Langford, Lauderdale, Layton, Lewis, Mathis, Minus, Newman, Nicholson, Parker, Reed, Starkey, Thomas, **Trammell and Williams.**

—43

Nays:

Reps.: Adams, Box, Brooks, Butler, Carothers, Carter, Clikas, Cosby, Escott, Faulk, Flowers, Freeman, Gaston, Grouby, Hammett, Harper, Hettinger, Horn, Johnson (A.L.), Johnson (R.G.), Kennedy, Kvalheim, Laird, McKee, McMillan, Manley, Melton, Mitchell, Moore, Murphy, Owens, Payne, Penry, Poole, Preuitt, Rains, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starr, Stout, Thornton, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Wilson, Wright and Zoghby.

—56

MOTION TO NON-CONCUR ADOPTED

On motion of Rep. Johnson (Roy), the House non-concurred in the bill, H. 420, and requested a Committee on Conference be appointed to reconcile the differences between the two Houses on the Senate amendment.

Yeas 85; Nays 14.

Yeas:

Reps.: Adams, Bennett, Biddle, Blake, Blakeney, Bowling, Box, Brakefield, Brooks, Browder, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hammett, Harper, Harvey, Hettinger, Horn, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Melton, Minus, Mitchell, Moore, Murphy, Nicholson, Owens, Payne, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

—85

Nays:

Mr. Speaker, Albright, Ashley, Coburn, Coleman, Cosby, Hall, Holley, Holmes, Langford, Mathis, Newman, Parker and Trammell.

—14

COMMITTEE APPOINTED

The Speaker appointed as a committee on the part of the House Reps. Campbell, Casey and Coburn.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 747. Relating to Montgomery County; providing further for the compensation of the judge of probate.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Langford, the House concurred in and adopted the Senate amendment to the bill, H. 747, said Senate amendment being as follows:

Amend House Bill 747 on page 1, line 19, by striking out after the word "compensation", the figure $40,000.00 and inserting in lieu thereof the figure "$42,500.00".

Yeas 66; Nays 0.

Yeas:

Mr. Speaker, Adams, Bennett, Biddle, Blake, Blakeney, Bowling, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Clark, Clikas, Coleman, Cosby, Davis, Dutton, Faulk, Flowers, Ford, Freeman, Gaston, Grimsley, Holmes, Horn, Johnson (A.L.), Johnson (Roy), Junkins, Kennedy, Laird, Langford, Lauderdale, Lewis, McMillan, Mathis, Melton, Mitchell, Moore, Newman, Owens, Parker, Poole, Preuitt, Reed, Richardson, Rogers, Seibels, Smith, Starkey, Starr, Stout, Thomas,

Thornton, Trammell, Turner, Venable, White (F), Williams, Wilson, Wright and Zoghby.

—66

And the bill, H. 747 as thus amended, was again read at length and passed.

Yeas 67; Nays 0.

Yeas:

Mr. Speaker, Adams, Bennett, Blakeney, Bowling, Brakefield, Brooks, Browder, Buskey, Butler, Campbell, Carter, Clark, Clikas, Coburn, Coleman, Davis, Dutton, Escott, Faulk, Flowers, Ford, Gaston, Goodwin, Grimsley, Holmes, Horn, Johnson (A.L.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, McMillan, Mathis, Melton, Mitchell, Moore, Newman, Owens, Parker, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Turner, Venable, Waggoner, White (F), Williams, Wilson, Wright and Zoghby.

—67

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 494. To amend Sections 34-13-1, 34-13-4, 34-13-20, 34-13-22, 34-13-53, 34-13-72, 34-13-92 and 34-13-111, Code of Alabama 1975, relating to funeral services, board of funeral services licensees and funeral establishments, so as to further provide for the definitions of apprentice embalmers, distributions of the rules and regulations, composition, qualifications and terms of the board of funeral services, quorum, licensees and matters of record, qualifications of applicants for examination and inspections of funeral establishments and to provide for its retroactive effect.

Also:

H. 301. To amend Section 9-11-53, Code of Alabama 1975, relating to annual resident fishing licenses, so as to delete the requirement of said licenses for residents of this state over 65 years of age and to require in place thereof proof of age and permanent residence to be on said persons while fishing.

Also:

H. 56. To establish the children's trust fund in the state treasury for the primary purpose of encouraging the direct provision of services to prevent child abuse and neglect and to provide for the continuous appropriation of moneys in such fund; to authorize and provide for voluntary contributions to such fund by means of an income tax checkoff and to prescribe certain duties for the state revenue department and the state treasurer in connection with such checkoff contributions; to provide for reimbursing the revenue department for the additional cost of collecting and handling such contributions; to provide for terminating the voluntary contributions when the trust fund reaches a certain amount; to regulate the use of the trust fund; to provide that the child abuse and neglect prevention board shall have access to and control over the fund and shall supervise and control the

use of the assets of the fund; and to prescribe the effective date of this act.

Also:

H. 57. To create and establish the state child abuse and neglect prevention board; to prescribe the purpose of and the authority, powers and duties of such board; specifically to place certain duties relative to the children's trust fund in the state treasury on the child abuse and neglect prevention board and to prescribe criteria for determining when and how much money from such fund shall be made available to local organizations for use in the prevention of child abuse and neglect; and to place additional duties and confer additional powers and authority on certain state departments.

Also:

H. 509. To amend Sections 5-18-5 and 5-19-22, Code of Alabama 1975, relating to annual license fees paid by persons making certain type loans, so as to alter said license fees and to provide for the distribution of said revenue.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 340. To amend Sections 12-19-71, 12-19-72, 12-19-73, 12-19-74, 12-19-75, 12-19-171, 12-19-172, 12-19-173, 12-19-174, 12-19-175, 12-19-176, 12-19-177, 12-19-178, and 12-19-179, Code of Alabama 1975, to further provide for the assessment, collection and distribution of fees and costs in circuit and district courts so as to enhance that portion of the fee schedule distributed to the state general fund, and to provide for the effective date of this Act.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Holley, the House concurred in and adopted the Senate amendment to the bill, H. 340, said Senate amendment being as follows:

A BILL
TO BE ENTITLED
AN ACT

To amend Sections 12-19-71, 12-19-72, 12-19-73, 12-19-74, 12-19-75, 12-19-171, 12-19-172, 12-19-173, 12-10-174, 12-19-175, 12-19-176, 12-19-177, 12-19-178, and 12-19-179, Code of Alabama 1975, to further provide for the assessment, collection and distribution of fees and costs in circuit and district courts so as to enhance that portion of the fee schedule distributed to the state general fund; to amend Section 12-2-20, Code of Alabama 1975, so as to further provide for, regulate and limit the use of the fees paid into the administrative fund of the supreme court; to repeal all laws or parts of laws in conflict herewith; and to provide for the effective date of this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 12-19-71, Code of Alabama 1975, is hereby amended to read as follows:

"Section 12-19-71. Same—Amount.

The docket fees which shall be collected in civil cases shall be:

(1) ~~Ten~~ Twenty dollars for cases filed on the small claims docket of the district court;

(2) ~~Twenty-five~~ Thirty-eight dollars for cases otherwise filed in the district court;

(3) ~~Thirty-five~~ Fifty-five dollars for cases filed in the circuit court; and

(4) An additional ~~$10.00~~ $15.00 to be paid at the time the jury is demanded by any party demanding a jury."

Section 2. Section 12-19-72, Code of Alabama 1975, is hereby amended to read as follows:

"Section 12-19-72. Same—Distribution.

The docket fees collected in civil cases shall be distributed as follows:

(1) For cases on the small claims docket of the district court, ~~$2.00~~ $7.00 to the fair trial tax fund, ~~$3.00~~ $8.00 to the state general fund, $5.00 to the county general fund.

(2) For other district court cases, $2.00 $7.00 to the trial tax fund, ~~$18.00~~ $26.00 to the state general fund, and $5.00 to the County general fund.

(3) For cases filed in circuit court, ~~$2.00~~ $7.00 to the fair trial tax fund, ~~$28.00~~ $43.00 to the state general fund, $5.00 to the county general fund.

(4) Ten dollars of ~~A~~ all sums paid pursuant to subdivision (4) of section 12-19-71 shall be paid to the fair trial tax fund, and five dollars to the state general fund.

Section 3. Section 12-19-73, Code of Alabama 1975, is hereby amended to read as follows:

"§ 12-19-73. Circuit and district court defendant service fees.

~~(a) The following defendant service fees shall be collected in civil cases~~ in circuit court and district court:

(1) For each defendant in excess of one, where personal service is required, there shall be collected a service fee of ~~$5.00~~ $7.00. For each nonresident defendant there shall be collected a service fee of ~~$5.00~~ $7.00, except where service is by publication or by registered mail, not to be cumulative with the service fee for multiple defendants. This service fee shall be paid at the time of filing; except, that prepayments shall not be required if the court finds that payment of such fee will constitute a substantial hardship. A verified statement, signed by the plaintiff and approved by the court, shall be filed with the clerk of court attesting to such substantial hardship.

(2) Where notice by publication or registered mail is used, the actual cost shall be collected before publication as a service fee at the outset of the case.

(b) The defendant service fees collected in civil cases shall be distributed as follows: The first ~~$2.00~~ $3.00 of each service fee shall be paid to the county general fund, and the balance of each service fee shall be paid to the

state general fund."

Section 4. Section 12-19-74, Code of Alabama 1975, is hereby amended to read as follows:

"§ 12-19-74. Circuit and district court fee for service of witness subpoenas.

(a) In civil cases in circuit court and district court, for the issuance service of witness subpoenas a fee of ~~$2.00~~ $4.00 shall be collected for each subpoena.

(b) Subpoena fees collected in civil cases shall be distributed three-fourths to the county general fund and one-fourth to the state general fund."

Section 5. Section 12-19-75, Code of Alabama 1975, is hereby amended to read as follows:

"§ 12-19-75. Circuit and district court attachment, garnishment and execution fees.

(a) In civil cases in circuit court and district court there shall be collected a fee for the initiation of each of the following postjudgment proceedings: attachment, garnishment and execution. The fee for such proceeding shall be paid at the time the proceeding is initiated.

(b) The amounts of the postjudgment fees shall be as follows:

(1) ~~Nine~~ Eleven dollars for attachment;

(2) ~~Nine~~ Eleven dollars for garnishment; and

(3) ~~Five~~ Seven dollars for execution.

(c) The postjudgment fees collected in civil cases shall be distributed as follows:

(1) ~~Six~~ Eight dollars of the attachment fee to the state general fund; and $3.00 of the attachment fee to the county general fund.

(2) ~~Six~~ Eight dollars of the garnishment fee to the state general fund; and $3.00 of the garnishment fee to the county general fund.

(3) ~~Three~~ Five dollars of the execution fee to the state general fund; and $2.00 of the execution fee to the county general fund.

Section 6. Section 12-19-171, Code of Alabama 1975, is hereby amended to read as follows:

"§ 12-19-171. Amount of docket fees in juvenile and criminal cases in circuit and district courts generally; witness fees; fee for service of witness subpoenas.

(a) The following docket fees shall be collected for juvenile and criminal cases in the district court and the circuit court:

(1) District Court:

(a) Traffic infraction ~~$22.50~~ $37.50

(b) ~~Execution~~ Issuance of alias writ ~~5.00~~ 10.00

(c) Misdemeanor-Violation ~~35.00~~ 55.00

(d) Felony guilty plea ~~77.00~~ 102.00

(e) Preliminary hearing ~~10.00~~ 15.00

(f) Bond forfeiture ~~15.00~~ 25.00

(2) Circuit Court:

(a) Execution of alias writ ~~$15.00~~ $20.00

(b) Misdemeanor ~~35.00~~ 55.00

(c) Felony ~~$77.00~~ $102.00

(d) Bond forfeiture ~~15.00~~ 25.00

(3) Docket fees for cases in the juvenile division of the district court or circuit court shall be assessed at ~~$25.00~~ $40.00 ~~to~~ shall be distributed as ~~docket fees for civil cases in the district court~~ follows: $7.00 to the fair trial tax fund, $18.00 to the state general fund, $10.00 to the county general fund, and $5.00 to the peace officers' standards and training fund. Uncollected court costs in juvenile cases may not be assessed as charges against the county.

(b) Witness fees shall be collected and distributed pursuant to law. Witness fees shall be in addition to docket fees.

(c) A fee of ~~$2.00~~ $4.00 shall be collected for the issuance ~~service and return~~ of each witness subpoena. The subpoena fee shall be distributed three-fourths to the county general fund and one-fourth to the state general fund.

Section 7. Section 12-19-172, Code of Alabama 1975, is hereby amended to read as follows:

"§ 12-19-172. Amounts of docket fees in municipal ordinance cases in circuit and district courts.

(a) The following docket fees shall be collected for municipal ordinance cases in the district court:

(1) Traffic infraction ~~$22.50~~ $37.50

(2) Execution of alias writ 5.00 10.00

(3) Other ordinance violations ~~35.00~~ 55.00

~~(4) Bond forfeiture 15.00~~ 25.00

(b) On appeals de novo to the circuit court, the docket fees in municipal ordinance cases shall be the same as those collected for misdemeanor cases."

Section 8. Section 12-19-173, Code of Alabama 1975, is hereby amended to read as follows:

"§ 12-19-173. Distribution of docket fees—Cases in circuit and district courts in which bond forfeited.

The following distribution shall be made of docket fees in cases where the defendant forfeits bond in either the district court or circuit court: ~~$2.00~~ $7.00 to the fair trial tax fund; $8.00 $13.00 to the state general fund; ~~and~~ ~~$5.00~~ to the county general fund."

Section 9. Section 12-19-174, Code of Alabama 1975, is hereby amended to read as follows:

"§ 12-19-174. Same—Felony cases in circuit court.

The following distribution shall be made of docket fees for felony cases in circuit court: $10.00 to the peace officers' annuity fund; ~~$2.00~~ $7.00 to the fair trial tax fund; ~~$25.00~~ $35.00 to the state general fund; ~~$5.00~~ to the county general fund; an arrest fee of $5.00 to the state general fund or to the state funds prescribed by law; except, that in cases initiated by county law enforcement officers, the arrest fee shall be distributed to the county general fund; ~~and~~ $30.00 to the district attorney fund or to the fund prescribed by law for district attorney fees; $10.00 to the peace officers' standards and training fund."

Section 10. Section 12-19-175, Code of Alabama 1975, is hereby amended to read as follows:

"§ 12-19-175. Same—Misdemeanor cases in circuit court.

The following distribution shall be made of docket fees for misdemeanors in circuit court: ~~$2.00~~ $7.00 to the fair trail tax fund; ~~$8.00~~ $18.00 to the state general fund; $10.00 to the district attorney fund or to the fund prescribed by law for district attorney fees; and $5.00 to the peace officers' annuity fund; and $5.00 to the peace officers' standards and training fund, provided however, that the $5.00 provided herein for the peace officers' standards and training fund shall not be assessed and collected in traffic or conservation cases."

Section 11. Section 12-19-176, Code of Alabama 1975, is hereby amended to read as follows:

"§ 12-19-176. Same—Felony guilty pleas in district court.

The following distribution shall be made of docket fees for felony guilty plea cases in district court: $10.00 to the police officers' annuity fund; ~~$2.00~~ $7.00 to the fair trial tax fund; ~~$25.00~~ $35.00 to the state general fund; $5.00 to the county general fund; an arrest fee of $5.00 to the state general fund or the state funds prescribed by law; except, that in cases initiated by county law enforcement officers, the arrest fee shall be distributed to the county general fund; and $30.00 to the district attorney fund or to the fund prescribed by law for district attorney fees; $10.00 to the peace officers' standards and training fund."

Section 12. Section 12-19-177, Code of Alabama 1975, is hereby amended to read as follows:

"§ 12-19-177. Same—Preliminary hearings in district court.

The docket fee collected in circuit court for preliminary hearings in district court shall be remitted to the state general fund."

Section 13. Section 12-19-178, Code of Alabama 1975, is hereby amended to read as follows:

"§ 12-19-178. Same—Misdemeanor cases in district court.

The following distribution shall be made of docket fees for misdemeanor cases in district court: $5.00 to the police officers' annuity fund; ~~$2.00~~ $7.00 to the fair trial tax fund; ~~$8.00~~ $18.00 to the state general fund; $5.00 to the county general fund; an arrest fee of $5.00 to the state general fund or to the state funds prescribed by law; except, that the arrest fee shall be paid into the county general fund in cases initiated by county law enforcement officers; ~~and~~ $10.00 to the district attorney fund or to the fund prescribed by law for district attorney fees; $5.00 to the peace officers' standards and training fund, provided however, that the $5.00 provided herein for the peace officers' standards and training fund shall not be assessed and

collected in conservation cases."

Section 14. Section 12-19-179, Code of Alabama 1975, is hereby amended to read as follows:

"§ 12-19-179. Same—Traffic infractions in district court.

(a) The following distribution shall be made of docket fees for traffic infractions in district court: $1.00 to the police officers' annuity fund; ~~$2.00~~ $7.00 to the fair trial tax fund; $1.00 to the driver education fund; ~~$8.00~~ $18.00 to the state general fund; $3.00 to the county general fund; an arrest fee of $5.00 to the state general fund or the state funds prescribed by law; except, that the arrest fee shall be paid into the county general fund in cases initiated by county law enforcement officers; and ~~and, as provided by law~~ $2.50 to the district attorney fund or to the fund prescribed by law for district attorney fees."

(b) Fees for execution of alias writs from circuit and district courts shall be distributed as follows: writs issuing from district court, $2.00 to the county general fund; ~~and $3.00 $8.00 to the state general fund; writs issuing~~ from circuit court, $5.00 to the county general fund; ~~and $10.00~~ $15.00 to the state general fund."

Section 15. Section 12-19-250.1, Code of Alabama 1975, is hereby amended to read as follows:

"§ 12-19-250.1. Imposition of additional fee on every case; charge and collection; distribution to fair trial tax fund.

(a) In each and every criminal or quasi-criminal case and every civil action docketed in the municipal, ~~district and circuit~~ courts of the state of Alabama in which the fair trial tax is collected as provided by law, an additional $5.00 shall be assessed by the clerk ~~or register~~ of the court or by the judge of such court, if there is no clerk ~~or register,~~ as costs in each case.

(b) The $5.00 fee prescribed herein shall be charged and collected as other costs are charged and collected and shall be cumulative with and in addition to all other court costs, fees, or taxes imposed by law.

~~(c) All receipts from the $5.00 fee prescribed shall be distributed to the fair trial tax fund as provided in section 12-19-251, and shall be in addition to all other receipts presently paid into said fund as provided by law.~~

(d) ~~Notwithstanding the provisions of this section, t~~The fees charged and collected in the municipal courts pursuant to the provisions of this section shall be distributed in accordance with the provisions of section 12-19-251.1.

Section 16. Section 12-19-24, Code of Alabama 1975, entitled "Additional court fees in criminal and juvenile cases," is hereby expressly repealed.

Section 17. Section 12-2-20, Code of Alabama 1975, is hereby amended so as to read as follows:

"§ 12-2-20. The supreme court is further authorized and empowered to use moneys or funds appropriated to it, including, but not limited to, the moneys appropriated for the administrative fund, advisory committee work and judicial education, for any judicial purpose the supreme court may direct, including, but not limited to, the preservation, acquisition, framing and repair of portraits, pictures, murals, photographs, resolutions and orders of the court, historical documents and archives; the publishing of

books, pamphlets and other publications; the use of consultants; expenses of visiting jurists and other judicial or legally related individuals who are performing services to the courts of this state; ceremonies; and seminars and conferences pertaining to courts and the administration of justice for justices, judges and court-related personnel within or outside the state, and the clerk of said court is authorized to direct payment for all expenses connected therewith, including, but not limited to, meal meetings; provided, however, any law to the contrary notwithstanding, fees authorized by law, court rule or order for certificates, documents, and any other copies of the court records of the supreme court shall be paid by the clerk of the supreme court into the administrative fund and shall be expended therefrom on the monthly written requisition of the chief justice as an allowance for the office of the chief justice not otherwise provided by law: provided further however, such allowance shall be and is hereby limited to the amount of such fees collected and paid into said administrative fund."

Section 18. Except for law library fees, the fees and costs prescribed in this Act for circuit and district courts shall be exclusive of all other fees and costs that are prescribed by general law for such courts.

Section 19. The fees and costs provided herein shall be assessed and collected in all civil cases or proceedings filed on or after the effective date of this Act and in all criminal cases wherein the defendant is adjudicated guilty or pleads guilty or where a bond is forfeited and the result of the forfeiture is a final disposition case on or after the effective date of this Act.

Section 20. All laws or parts of laws in conflict herewith are repealed.

Section 21. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional such declaration shall not affect the part which remains.

Section 22. This Act shall become effective 30 days after its passage and approval by the Governor, or upon its otherwise becoming a law.

Amend Senate Finance and Taxation Committee Substitute to House Bill 340 on page 10 line 6 by adding the following section and renumbering the remaining sections accordingly.

"Section 18. The increase in fees provided in this act shall in no instance operate to increase the municipal share of the docket fees collected in municipal ordinance cases in the district and circuit courts; any provision of the law to the contrary notwithstanding."

Amend House Bill 340 as amended by deleting, on page 1, line 14, the word "and" and by adding the words "and 12-19-91," before the word "Code"; further amend House Bill 340 on line 16 after the word "courts" by adding "and appellate courts".

Further amend H. B. 340 as substituted on page 10 after line 5 by adding the following new section 18 and renumbering the remaining sections accordingly:

"Section 18. Section 12-19-91, Code of Alabama 1975 is hereby amended to read as follows:

(a) The clerks of the ~~supreme court or~~ courts of appeal shall be entitled to receive the following fees for the following services, to be paid to the treasurer as provided in this article:

(1) Docketing each case $.30

(2) Entering each appearance, to include all attorneys appearing on the same side for the same parties .30

(3) Each bond .50

(4) Each appeal .50

(5) Each order .50

(6) Each continuance .25

(7) Each judgment 1.00

(8) Each mandate or certificate to the court below 2.00

(9) Each writ in the nature of scire facias, certiorari, mandamus, prohibition or other similar writ 1.00

(10) Filing the same with return .20

(11) Each writ of execution 1.00

(12) Taxing costs, copying and entering satisfaction .85

(13) Copying opinions, record or paper, in his office, for each 100 words .15

(14) In each case an additional fee of 4.00

(b) For petitions for certiorari to the Court of Criminal Appeals, the Clerk of the Supreme Court shall be entitled to receive as assessment of costs the amount of $25.00.

(c) The docket fee as hereinafter prescribed shall be paid to the clerk of the appropriate appellate court, unless otherwise excepted, as follows:

Appeals in civil cases, review by certiorari in workmen's compensation cases, and review by certiorari of the decisions and judgments of trial courts in cases where review by appeal is not provided for and from decisions of boards and agencies where review by petition in the appropriate appellate court is provided by law, the docket fee to be paid at the time of the filing of the petition or notice of appeal $100.00

The docket fee herein prescribed shall be in lieu of all other court costs in the particular proceeding before the appellate court unless otherwise set by the court, and may be taxed as costs."

Yeas 62; Nays 6.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Biddle, Blakeney, Boles, Bowling, Box, Browder, Bryant, Campbell, Clark, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Goodwin, Grimsley, Holley, Holmes, Horn, Howard, Johnson (Roy), Junkins, Kennedy, Laird, Lauderdale, Layton, Lewis, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Newman, Nicholson, Owens, Parker, Penry, Poole, Rains, Reed, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Stout, Thomas, Thornton, Trammell, Turner, Venable, White (L.), and Wright.

—62

Nays: Reps. Brooks, Butler, Carter, McKee, Williams and Wilson. —6

And the bill:

H. 340. To amend Sections 12-19-71, 12-19-72, 12-19-73, 12-19-74, 12-19-75, 12-19-171, 12-19-172, 12-19-173, 12-19-174, 12-19-175, 12-19-176, 12-19-177, 12-19-178, 12-19-179, and 12-19-91, Code of Alabama 1975, to further provide for the assessment, collection and distribution of fees and costs in circuit and district courts and appellate courts so as to enhance that portion of the fee schedule distributed to the state general fund; to amend Section 12-2-20, Code of Alabama 1975, so as to further provide for, regulate and limit the use of the fees paid into the administrative fund of the supreme court; to repeal all laws or parts of laws in conflict herewith; and to provide for the effective date of this Act.

As thus amended, was again read at length and passed.

Yeas 66; Nays 10.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Biddle, Blakeney, Boles, Bowling, Browder, Bryant, Buskey, Campbell, Carothers, Casey, Clark, Coleman, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Ford, Goodwin, Grimsley, Holley, Holmes, Horn, Howard, Junkins, Kennedy, Laird, Langford, Lauderdale, Layton, Lewis, Manley, Melton, Minus, Mitchell, Moore, Murphy, Newman, Nicholson, Owens, Parker, Poole, Rains, Reed, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Stout, Thomas, Thornton, Trammell, Turner, Venable, White (L.), Wilson, Wright and Zoghby.

—66

Nays: Reps. Brooks, Butler, Carter, Hall, Hammett, Hettinger, McKee, Mathis, Payne and Williams.

—10

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House bill and returns same herewith to the House:

H. 536. To amend Section 15-22-23 and Section 15-22-36, of the Code of Alabama 1975, which relates to the authority of the board of pardons and paroles to grant pardons and paroles so as to provide further for notification procedures.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Sasser, the House concurred in and adopted the Senate amendment to the bill, H. 536, said Senate amendment being as follows:

Amend Senate Bill No. 536 page 2 line 35 by inserting section (b)(3) in its entirety and substituting in lieu thereof, the following:

"(3) all persons who are required to be notified under the provisions of this act have been allowed at their option, to either appear before the board or give their views in writing.

and on page 7 line 6 by striking section 9 in its entirety and substituting in lieu thereof, the following:

"(9) a statement that all persons required to be notified under the provisions of this act will be allowed, at their option to either appear before the board or give their views in writing."

Yeas 88; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Biddle, Blakeney, Boles, Bowling, Box, Browder, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coleman, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Newman, Nicholson, Owens, Parker, Payne, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Turner, Venable, Waggoner, Warren, White (F.), White (L.), Williams, Wilson, Wright and Zoghby.

—88

And the bill, H. 536 as thus amended, was again read at length and passed.

Yeas 93; Nays 0.

Yeas:

Reps: Adams, Ashley, Bennett, Biddle, Blakeney, Boles, Bowling, Box, Brooks, Browder, Bryant Buskey, Butler, Campbell, Carothers, Carter, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Newman, Nicholson, Owens, Parker, Payne, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Turner, Venable, Waggoner, Warren, White (F.), White (L.), Williams, Wilson, Wright and Zoghby.

—93

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 148. To amend Section 39-1-1, Code of Alabama 1975, so as to expedite settlements with contractors performing contracts of less than $10,000.00 in amount; to provide procedures for payment of final settlements of such contracts upon completion and full compliance with the terms of the said contract.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Carothers, the House concurred in and adopted the Senate amendment to the bill, H. 148, said Senate amendment being as follows:

A BILL
TO BE ENTITLED
AN ACT

To amend Section 39-1-1, Code of Alabama 1975, so as to expedite settlements with contractors performing contracts of less than $10,000.00 in amount; to provide procedures for payment of final settlements of such contracts upon completion and full compliance with the terms of the said contract.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 39-1-1, Code of Alabama 1975, is amended to read as follows:

"§ 39-1-1. Bonds required of persons, firms, etc., contracting with state or political subdivision thereof for repair, construction, etc., of public buildings, words, etc.; commencements, etc., of actions upon bond by persons, firms, etc., supplying labor, materials, etc., to contractor; giving of notice of completion of project by contractor and final settlement; applicability of provisions of section.

"(a) Any person, firm or corporation entering into a contract with the state or any county or municipal corporation or subdivision thereof in this state for the repair, construction or prosecution of any public buildings or public work, highways or bridges shall be required, before commencing such work, to execute a performance bond, with penalty equal to 100 percent of the amount of the contract price, in addition thereto, another bond with good and sufficient surety, payable to the state, county or municipal corporation or subdivision letting the contract, in an amount not less than 50 percent of the contract price, with the obligation that such contractor or contractors shall promptly make payments to all persons supplying him or them with labor, materials or supplies for or in the prosecution of the work provided for in such contract and for the payment of reasonable attorneys' fees incurred by successful claimants or plaintiffs in civil actions on said bond.

"(b) Any person, firm or corporation that has furnished labor, materials or supplies for or in the prosecution or repair of any public building or public work, highways or bridges and payment for which has not been made shall be authorized to institute a civil action upon said bond in his or their name or names and to have their rights and claims adjudicated in such civil action and judgment entered thereon; provided, that no civil action shall be instituted on said bond until after 45 days' written notice to the surety thereon of the amount claimed to be due and of the nature of the claim. Such civil action shall be commenced not later than one year from the date of final settlement of said contract. The giving of said notice by registered or certified mail, postage prepaid, addressed to the surety at any of its places of business or offices shall be deemed sufficient under this section. In the event the surety or contractor fails to pay such claim in full within 45 days from the mailing of such notice, then such person or persons shall be entitled to recover of the contractor and surety, in addition to the amount of said claim, a reasonable attorney's fee, together with interest on such claim from the date of such notice.

"Every person or persons having a right of action on said last described bond as provided in this section shall, upon written application to the authority under the direction of whom such work has been prosecuted, setting out that labor, material, foodstuffs or supplies for such work have been supplied by him or them and that payment therefor has not been made, be promptly furnished a certified copy of said additional bond and contract. Such claimant shall be authorized to bring civil action on said bond in the county in which the work provided for in said contract is to be performed or in any county where the contractor or his surety does business, for his or their use and benefit against said contractor and his surety or either of them.

"In addition to any other legal mode or service, service of summons and other process in civil actions brought in the county where the work is let or done may be had on the contractor or the surety on the last described bond by leaving a copy of the summons and complaint or other pleading or process with the director of the highway department, if the contract be a state highway contract, or with the executive officer of the city, town, board, commission or authority letting the contract or charged with the payment of the contract price, if the contract is not a state highway contract. The bond last described shall have a provision binding the principal contractor and surety to the mode of service above described and consenting that such service shall be the same as personal service on the contractor or surety.

"Immediately on service being made on the director of the highway department or executive officer of a city, town, board, commission or authority, it shall be the duty of such director or executive officer to immediately mail a copy of such process to the contractor and surety at the address given in the bond.

"(c) This section shall not require the taking of bond to secure contracts of less than $1,000.00 in amount.

"(d) The contractor shall immediately after the completion of the contract give notice of said completion by an advertisement in some newspaper of general circulation published within the city or county wherein the work has been done for a period of four successive weeks. In no instance shall a final settlement be made upon the contract until the expiration of 30 days after the completion of same. Proof of publication of said notice shall be made by the contractor to the authority by whom the contract was made by affidavit of the publisher and a printed copy of the notice published. If no newspaper is published in the county where the work is done, the notice may be given by posting at the courthouse for 30 days, and proof of same shall be made by the probate judge or sheriff and the contractor."

Provided, however, that the requirements of this subsection shall not apply to contractors performing contracts of less than $10,000.00 in amount and the governing body of the contracting agency, so as to expedite final payment, shall cause notice of final completion of such contract to be published one time in a newspaper of general circulation, published in the county of the contracting agency, if any, and shall post notice of final completion on the agency's bulletin board for one week and shall require the contractor to certify under oath that all bills have been paid in full. Final settlement with such contractor may be made at any time after the notice shall have been posted for one entire week.

Section 2. This act shall become effective upon its passage and approval by the Governor or upon its otherwise becoming a law.

Yeas 86; Nays 1.

Yeas:

Mr. Speaker, Adams, Ashley, Biddle, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Butler, Campbell, Carothers, Carter, Casey, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Hettinger, Holley, Horn, Howard, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McMillan, Manley, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Newman, Nicholson, Owens, Parker, Poole, Preuitt, Rains, Reed, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Turner, Waggoner, Warren, White (F.), White (L.), Williams, Wilson and Wright.

—86

Nay: Rep. Clark. —1

And the bill, H. 148 as thus amended, was again read at length and passed.

Yeas 82; Nays 3.

Yeas:

Mr. Speaker, Adams, Ashley, Biddle, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Crow, Davis, Drinkard, Dutton, Faulk, Flowers, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Hettinger, Horn, Howard, Johnson (R.G.), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McMillan, Manley, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Newman, Nicholson, Owens, Parker, Penry, Poole, Preuitt, Reed, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thornton, Trammell, Turner, Waggoner, Warren, White (F.), White (L.), Williams, Wilson and Wright.

—82

Nays: Reps. Holley, Johnson (Roy) and Payne. —3

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 243. To amend Sections 4, 7, 10, 11 and 16 of Title 40, Chapter 15, Code of Alabama, 1975, that imposes an estate and inheritance tax by changing due dates under this Chapter from 15 months after the decedent's death to 9 months after the decedent's death and by changing the interest rate charged for delinquent payments from six percent per annum to the rate established in Section 40-1-44, Code of Alabama, 1975.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Coburn, the House concurred in and adopted the

Senate amendment to the bill, H. 243, said Senate amendment being as follows:

A BILL
TO BE ENTITLED
AN ACT

To amend Sections 4, 7, 10, 11 and 16 of Title 40, Chapter 15, Code of Alabama, 1975, that imposes an estate and inheritance tax by changing due dates under this Chapter from 15 months after the decedent's death to 9 months after the decedent's death and by changing the interest rate charged for delinquent payments from six percent per annum to the rate established in Section 40-1-44, Code of Alabama, 1975.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 40-15-4, Code of Alabama, 1975, is hereby amended so as to read as follows:

"§ 40-15-4. Time of payment; extension of time.

The tax imposed by this chapter shall be due and payable on or before 15 9 months after the decedent's death and shall be paid by the personal representative to the department of revenue; provided, that where the department of revenue finds that the payment on the due date of any part of the amount due would impose undue hardship upon the estate, the department of revenue may extend the time for payment of all or any part, not to exceed 10 years from the original due date. In such case the amount or amounts in respect of which the extension is granted shall be paid on or before the dates thus fixed, unless further extended within said limitation as to time. If the time for payment is extended, there shall be collected, in addition to the tax, interest thereon at the legal rate from the original due date of the tax to the date of payment. The department of revenue may, in its discretion, accept such security as it may approve for the deferred payments or may release any part of remainder of the estate from any claim or lien for the payment of the tax."

Section 2. Section 40-15-7, Code of Alabama, 1975, is hereby amended so as to read as follows:

"§ 40-15-7. Nonresident decedents.

(a) Except as herein otherwise provided, all of the provisions of this chapter shall be applicable to so much of the estates of nonresident decendents as is subject to estate tax under the act of congress in effect at the time of the death of decedent as consists of real estate or tangible personal property located within this state or other items of property or interest therein lawfully subject to the imposition of an estate tax by the state of Alabama.

(b) In assessing the tax upon any real estate or tangible property located within this state belonging to the estate of a nonresident decedent, which shall pass by will, devise or by the laws of intestacy, the department of revenue shall determine the tax due to be such proportion of the federal estate tax as would be leviable upon an estate of similar taxable net value, less that proportion of any exemption to which the estate is entitled, which the actual value of the real estate and tangible personal property located within this state belonging to the estate of the nonresident decedent bears to the actual value of the gross estate of the nonresident decedent wherever situate whether in this state or not.

(c) No tangible personal property located within this state belonging to the estate of a nonresident decedent and taxable under this chapter shall be transferred or delivered to any person except a legal representative of the estate of said deceased duly appointed whether in this state or in the state of the decedent's domicile by a court having jurisdiction for the purpose.

(d) Such property shall not be transferred or delivered to a foreign legal representative until the tax has been paid, except under such conditions and after giving such security as the department of revenue may agree upon. Any person or corporation which shall transfer or deliver or having control thereof shall permit the transfer or delivery of any such property to any person other than a resident legal representative before such tax has been paid shall be liable for the tax and additional penalty of not more than $1,000.00 in an action brought by the department of revenue for the use of the state.

(e) Legal representatives shall be liable for such tax upon and to the extent of all such property which shall come into their hands as such, with interest as hereinafter provided.

(f) Every person having in his possession or control any tangible personal property belonging to the estate of a nonresident and taxable under this chapter shall, unless the property is delivered to a resident legal representative within 30 days after the death of the owner, notify the department of revenue and prepare and transmit to him an itemized schedule of the property. If the tax is not paid or a resident legal representative appointed within ~~15~~ 9 months after the owner's death, the circuit court of the county of Montgomery shall, upon petition of the department of revenue, appoint a resident legal representative, or a special legal representative as the circumstances of the case may require, to whom the property shall be transferred, whose duty it shall be to collect and pay the tax and to account for the balance of the property according to law under order of the court.

(g) All taxes imposed by this chapter in relation to estates of nonresident decedents shall be due and payable at the time of the death of the decedent; and, if not paid within ~~15~~ 9 months thereafter, unless the time for payment shall be extended, interest at the rate of 12 percent per annum shall be charged and collected from the expiration of ~~15~~ 9 months after the death of the decedent, and said taxes and interest shall be and remain a lien on the property transferred until the same are paid.

(h) Real estate and tangible personal property within the jurisdiction of this state, except as otherwise provided, belonging to nonresidents which shall pass by deed, grant, bargain, sale or gift, made in contemplation of death, or made or intended to take effect in possession or enjoyment at or after the death of the grantor or donor, shall be subject to the same tax imposed upon transfers hereinbefore described by this chapter. The taxes upon such transfer shall become due and payable at once upon the death of the grantor or donor, and if not paid within ~~15~~ 9 months from the death of the grantor or donor, unless the payment shall be extended, shall be subject to interest as aforesaid after the expiration of said period until paid. Said taxes and interest shall be a charge against the person receiving such property, and the property transferred shall be subject to a lien to secure its payment. All persons or corporation within the jurisdiction of the state in whose possession or control any such property so transferred or to be transferred remains at the time of the death of the grantor or donor shall be subject to all the duties, liabilities and penalties imposed herein upon persons having the possession or control of the personal estate of such

decedent.

(i) A resident legal representative holding personal property of a deceased nonresident subject to said tax shall deduct the tax therefrom or collect it from the legal representative in the state of the decedent's domicile and shall not deliver such property to him or any other person until he has collected the tax and paid the same to the department of revenue. When the transfer of such personal property is subject to a tax under the provisions of this chapter and the legal representative in the state of domicile neglects or refuses to pay the tax upon demand, or if for any reason the tax is not paid with 15 9 months after the decedent's death, or within the time extended, the resident legal representative may, upon such notice as the circuit court of the county of Montgomery may direct, be authorized to sell such property or, if the same can be divided, such portion thereof as may be necessary, and shall deduct the tax from the proceeds of such sale and shall account for the balance, if any, in lieu of the property. When a conveyance made by the nonresident decedent in his lifetime is subject to said tax, the resident legal representative shall collect the taxes due on account of such conveyance and may be authorized to sell any property subject to the lien of such tax, as in other cases.

(j) The department of revenue shall determine the amount of all taxes due and payable under the provisions of this chapter in relation to nonresident decedents and shall certify the amount due and payable to the resident legal representative, if any, otherwise, to the person or persons by whom the tax is payable.

(k) The department of revenue, whenever it has knowledge or reason to believe that any person, firm or corporation has in his, its or their possession or control any tangible personal property belonging to the estate of a deceased nonresident upon or in respect to which the tax has not been paid and a schedule of which has not been furnished, as herein provided, or that any such person, firm or corporation has received a transfer or delivery of such property or made such transfer or delivery, except to a resident legal representative, upon which or in respect to which the tax has not been paid, as herein provided, or that such person, firm or corporation has knowledge of a transfer or delivery of any such personal property, of such nonresident decedent in his lifetime, by deed, grant, bargain, sale or gift, made in contemplation of death, or made or intended to take effect in possession or enjoyment at or after the death of the grantor or donor, or has possession or control of property so transferred, may require such person or any member of such firm or any officer of such corporation to appear at the office of the department of revenue at Montgomery, at such time as the department of revenue may designate, and then and there to produce for the use of the department all books or papers which may be in the possession or control of such person, firm or corporation relating to such property or transfer or delivery and to furnish such other information relating to the same as he may be able and the department may require. Whenever the department of revenue shall require the attendance of any person, as herein provided, it shall issue a notice stating the time and place when such attendance is required and shall transmit the same by certified or registered mail, or cause a copy of the same to be given in hand, to such person at least 14 days before the date when such person is required to appear. If any person receiving such notice shall neglect or fail to attend or to give attendance so long as may be necessary, for the purpose for which the notice was issued, or refuse to furnish such books or papers or give such information, or if a corporation or firm whose officer or member is thus summoned refuses to permit him to produce such books or papers as are called for and are within the control of

the corporation or firm, such person, firm or corporation shall be liable to a penalty of $25.00 for each offense, which may be recovered by the department of revenue for the use of the state. Any person attending in response to summons as herein provided shall thereafter be entitled to the same travel and witness fees as are allowed to witnesses summoned to testify on behalf of the state in other cases. The department of revenue may commence an action for the recovery of any taxes assessable hereunder at any time after the expiration of ~~15~~ 9 months from the death of the decedent."

Section 3. Section 40-15-10, Code of Alabama, 1975, is hereby amended so as to read as follows:

"§ 40-15-10. Appraisement upon failure to make reports.

Upon the failure to make and file with the department of revenue of Alabama the reports herein required of the legal representative of any estate against which a tax is required herein to be paid to the state of Alabama within ~~15~~ 9 months from the qualification of the legal representative, such estate may be appraised and assessed for the estate taxes herein levied by the department of revenue of its authorized representative or agent who shall have full power and authority to require the production of all evidence that will enable it or its agent to determine the value of all property of any such estate subject to be taxed under this chapter."

Section 4. Section 40-15-11, Code of Alabama, 1975, is hereby amended so as to read as follows:

"§ 40-15-11. Execution for tax.

The tax imposed on the estate under the provision of this chapter, after tentative notice and opportunity to protest, if return has been made as contemplated hereby, shall have the full force and effect of a judgment on which execution may be issued by the Department of Revenue, and if a legal representative of any estate taxable under this chapter fails to pay the amount assessed against such estate within six months after notice from the proper authorities as to the amount to be paid, or ~~15~~ 9 months after the death of the decedent whichever is later, provided that no extension is granted in respect to the whole or any part of the tax, the Department of Revenue is hereby authorized and it shall be its duty to issue execution directed to the sheriff of any county in the State of Alabama in which any of the property of the estate is located for the amount of such tax against said estate, which execution shall be enforced by levy and sale, and the amount due shall bear interest at the rate of one percent per month until paid."

Section 5. Section 40-15-16, Code of Alabama, 1975, is hereby amended so as to read as follows:

"§ 40-15-16. Interest on delinquent payments.

Should all returns be made within the time specified in this chapter, the estate tax and any deficiency in respect thereof levied by this chapter shall be delinquent ~~15~~ 9 months after the death of decedent. All or any part of the estate tax or any deficiency in respect thereto not paid before delinquent date shall bear interest at the rate established in Section 40-1-44, Code of Alabama, 1975 ~~of six percent per annum~~ until paid, ~~except as otherwise provided by this Chapter~~."

Section 6. All laws and parts of laws in conflict with this Act are hereby repealed.

Section. 7. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the parts which remain.

Section 8. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Yeas 87; Nays 2.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Butler, Campbell, Carothers, Carter, Casey, Clark, Coburn, Crow, Davis, Drinkard, Dutton, Escott, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Horn, Howard, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Newman, Nicholson, Owens, Parker, Penry, Poole, Preuitt, Reed, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Turner, Waggoner, Warren, White (L.), Williams, Wilson and Zoghby.

—87

Nays: Reps. Faulk and Rains. —2

And the bill, H. 243 as thus amended, was again read at length and passed.

Yeas 78; Nays 14.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Browder, Bryant, Butler, Campbell, Carothers, Casey, Clark, Coburn, Coleman, Crow, Davis, Drinkard, Dutton, Escott, Flowers, Ford, Goodwin, Grimsley, Grouby, Harper, Harvey, Holley, Horn, Howard, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Lewis, McMillan, Manley, Mathis, Melton, Minus, Mitchell, Moore, Newman, Nicholson, Owens, Parker, Penry, Poole, Preuitt, Reed, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Turner, Waggoner, Warren, White (L.), Williams, Wilson and Zoghby.

—78

Nays:

Reps. Brooks, Carter, Clikas, Cosby, Faulk, Freeman, Hall, Hammett, McKee, Murphy, Payne, Rains, Waggoner and Warren.

—14

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 829. Relating to Bibb County; authorizing the Bibb County Commission to levy a county privilege, license, or excise tax on the sale, distribution, storage, use, or other consumption of tobacco and certain tobacco

products in such county; providing for the collection and enforcement of the tax, and appropriating the proceeds therefrom.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Owens, the House concurred in and adopted the Senate amendment to the bill, H. 829, said Senate amendment being as follows:

On page 1, in Section 1, line 25, delete the word "in" and insert in lieu thereof: up to

On page 5, in Section 10, delete lines 6 and 7 in their entirety and insert in lieu thereof:

October 1, 1983.

Yeas 89; Nays 1.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Box, Brakefield, Brooks, Browder, Bryant, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Dutton, Faulk, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Horn, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Mathis, Minus, Mitchell, Moore, Murphy, Newman, Nicholson, Owens, Parker, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Turner, Turnham, Waggoner, Warren, White (F.), White (L.), Williams, Wilson, Wright and Zoghby.

—89

Nay: Rep. Bowling. —1

And the bill, H. 829 as thus amended, was again read at length and passed.

Yeas 93; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Biddle, Blake Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coleman, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Newman, Nicholson, Owens, Parker, Penry, Poole, Preuitt, Rains, Reed, Richardson, Rogers, Sasser, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Turner, Turnham, Waggoner, Warren, White (F.), White (L.), Williams, Wilson, Wright and Zoghby.

—93

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 287. To amend Section 40-21-85, Code of Alabama 1975, so as to revise the payment schedule of utility gross receipts tax such that payers of large tax liabilities will pay on an estimate basis during and for the period in which the tax liability accrues.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Johnson (Roy), the House concurred in and adopted the Senate amendment to the bill, H. 287, said Senate amendment being as follows:

A BILL
TO BE ENTITLED
AN ACT

To amend Section 40-21-85, Code of Alabama 1975, so as to revise the payment schedule of utility gross receipts tax such that payers of large tax liabilities will pay on an estimate basis during and for the period in which the tax liability accrues.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 40-21-85, Code of Alabama 1975, is hereby amended to read as follows:

"§ 40-21-85. The provisions of this article shall be administered and the tax herein levied shall be collected in accordance with the procedures set forth in division 1 of article 1 of Chapter 23 of this title, for administering and collecting the tax therein levied, and for such purposes there are hereby incorporated into this article by reference the provisions of Sections 40-23-7 40-23-8 through 40-23-23, 40-23-25 and 40-23-27 through 40-23-32, together with the definitions applicable to said sections contained in Section 40-23-1; provided, that in the event of the repeal of such division, such repeal shall not operate to eliminate the tax collection procedures contained therein to the extent they are incorporated in this article by reference, unless the legislation providing for such repeal shall clearly indicate such a result. The taxes herein levied shall be due and payable as follows:"(1) Any taxpayer liable for taxes under the provisions of this division whose average monthly tax liability was less than $10,000 during the preceding calendar year shall remit such taxes in accordance with Section 40-23-7.

"(2) Any taxpayer liable for taxes under the provisions of this division whose average monthly tax liability was $10,000 or greater during the preceding calendar year shall make estimated payments to the revenue department on or before the 20th day of the month in which the liability occurred.

"(a) The amounts of the payment shall be at least equal to the taxpayer's actual tax liability for the same calendar month of the preceding year.

"(b) Any outstanding credit or deficit arising from the taxpayer's over-

payment or underpayment of its final liability shall be applied to either increase or reduce, as the case may be, that month's final tax liability which shall be reported and paid not later than the 20th of the month next succeeding the month in which the tax accrues. The provisions of Section 40-23-7 shall apply to the filing of the monthly tax liability report."

(c) In those instances where a taxpayer due to divestiture compliance with a lawful order of a court of competent jurisdiction, or the sale of a portion of the business on which said tax is applicable, where such divestiture compliance or sale reduces the gross revenues of the taxpayer, the Commissioner of Revenue shall determine for a period of twelve (12) months following such divestiture compliance or sale the monthly estimated tax liability and shall consider among others, the financial historical data and the percentage of divestiture or sale of said business of the taxpayer. Following the twelve (12) month period, taxes shall be remitted in accordance with Section 1, (2), (b).

(d) In those instances where there is no preceding calendar year for purposes of determining the tax liability of any taxpayer, the Commissioner of Revenue shall determine for a period of twelve (12) months the monthly estimated tax liability for the taxpayer. Following the twelve (12) month period, taxes shall be remitted in accordance with Section (1), (2), (b).

Section 2. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration does not affect the part which remains.

Section 4. This Act shall become effective October 1, 1983.

Yeas 88; Nays 0.

Yeas:

Mr. Speaker, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Hettinger, Holley, Horn, Howard, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, McKee, McMillan, Manley, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Newman, Owens, Parker, Penry, Poole, Preuitt, Rains, Reed, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starr, Stout, Thomas, Thornton, Trammell, Turner, Turnham, Waggoner, White (F.), White (L.), Williams, Wilson, Wright and Zoghby.

—88

And the bill, H. 287 as thus amended, was again read at length and passed.

Yeas 85; Nays 2.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Bowling, Box, Brakefield, Browder, Bryant, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Ford, Freeman, Gaston, Goodwin, Grimsley, Hammett, Harper, Hettinger, Holley, Horn, Howard, Johnson (R.G.),

Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, McMillan, Manley, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Newman, Owens, Parker, Penry, Poole, Preuitt, Rains, Reed, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Turner, Turnham, Waggoner, White (F.), White (L.), Williams, Wilson, Wright and Zoghby.

—85

Nays: Reps. Brooks and Cosby. —2

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 815. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Wilsonville, in Shelby County, to provide for a referendum election of the qualified electors who reside within the territory proposed to be brought within the municipal limits of Wilsonville.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Moore, the House concurred in and adopted the Senate amendment to the bill, H. 815, said Senate amendment being as follows:

Amend House Bill 815 on page 3, line 7, by inserting after the word "beginning" the following paragraph:

"The lands incorporated within the city limits of Wilsonville pursuant to this Act shall not include any lands, including lands subject to flood easements, which are part of any hydroelectric project licensed by the Federal Power Commission, the Federal Energy Regulatory Commission or any successor agency."

Yeas 85; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hammett, Harper, Hettinger, Holley, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, Manley, Mathis, Melton, Mitchell, Moore, Murphy, Newman, Nicholson, Owens, Parker, Penry, Poole, Preuitt, Rains, Reed, Richardson, Rogers, Scott, Seibels, Smith, Starr, Stout, Thornton, Trammell, Turner, Turnham, Waggoner, White (F.), Williams, Wilson, Wright and Zoghby.

—85

And the bill, H. 815 as thus amended, was again read at length and passed.

Yeas 88; Nays 1.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Flowers, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Hettinger, Horn, Howard, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, Manley, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Newman, Nicholson, Owens, Parker, Penry, Poole, Preuitt, Reed, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starr, Stout, Thomas, Thornton, Trammell, Turner, Turnham, Waggoner, Warren, White (F.), White (L.), Williams, Wilson, Wright and Zoghby.

—88

Nay: Rep. Rains. —1

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returned same herewith to the House:

H. 826. To make an absolute appropriation from the State General Fund out of funds now or to become available to the named recipients in the amount indicated for the fiscal year ending September 30, 1983.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Casey, the House concurred in and adopted the Senate amendment to the bill, H. 826, said Senate amendment being as follows:

A BILL
TO BE ENTITLED
AN ACT

To make an absolute appropriation from Revenue Sharing Funds to the named recipients in the amount indicated for the fiscal year ending September 30, 1983.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to all other appropriations heretofore made, there is hereby appropriated from the Revenue Sharing funds the following amounts to the agencies and/or programs indicated for the fiscal year ending September 30, 1983:

Department of Education for Direct Client Services for the Handicapped to be distributed as follows:

a. Crippled Children Services Program	$358,060
b. Homebound Program	$200,000
Public Safety, Department of	
a. Traffic Control and Accident Prevention Program	$200,000

Civil Defense, Department of

a. Readiness and Recovery Program $50,000

Section 2. The Legislature hereby declares these appropriations to be non-proratable and absolute.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Yeas 90; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Biddle, Blake, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drinkard, Dutton, Faulk, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Horn, Howard, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McMillan, Manley, Mathis, Minus, Mitchell, Moore, Murphy, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Turner, Turnham, Waggoner, Warren, White (F.), White (L.), Williams, Wilson, Wright and Zoghby.

—90

And the bill:

H. 826. To make an absolute appropriation from Revenue Sharing Funds to the named recipients in the amount indicated for the fiscal year ending September 30, 1983.

As thus amended, was again read at length and passed

Yeas 93; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Biddle, Blake, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drinkard, Dutton, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Mathis, Minus, Mitchell, Moore, Murphy, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Turner, Turnham, Waggoner, Warren, White (F.), White (L.), Williams, Wilson, Wright and Zoghby.

—93

SPECIAL ORDER RESUMED

And the bill:

S. 42. (With Substitute) (With Amendments): To amend further section 16-13-52, Code of Alabama 1975, relating to the determination of teacher units for the purpose of apportioning the minimum school program fund, so as to allow any teacher units which are lost by a county or an independent city because of decrease in average daily attendance, to be transferred to a kindergarten program until the kindergarten program is adequately funded or a compulsory remedial summer school program; to provide for the state superintendent of education to allocate the units and to provide the basis therefor; and to provide for certain authority of the local school system in the use of such transferred units within the kindergarten program.

Was taken up.

SUBSTITUTE OFFERED

Rep. Holley offered the following substitute to the bill, S. 42, and to the pending substitute and amendments reported by the Standing Committee on Ways and Means:

A BILL
TO BE ENTITLED
AN ACT

To amend further Section 16-13-52, Code of Alabama 1975, relating to the determination of teacher units for the purpose of apportioning the minimum school program fund, so as to allow any teacher units which are lost by a county or an independent city because of decrease in average daily attendance, to be transferred to a kindergarten program until the kindergarten program is adequately funded or a compulsory remedial summer school program; to provide for the state superintendent of education to allocate the units and to provide the basis therefor; and to provide for certain authority of the local school system in the use of such transferred units within the kindergarten program.

Be It Enacted by the Legislature of Alabama:

Section 1. The short title of this act is THE 1983 COMPREHENSIVE KINDERGARTEN ACT.

Section 2. Section 16-13-52, Code of Alabama 1975, is hereby amended to read as follows:

"§ 16-13-52. (a) In determining the number of teacher units to be allowed a county or an independent city for the purpose of apportioning the minimum program fund, one teacher unit shall be allowed for each 28 pupils in average daily attendance, during the first four scholastic months of the preceding school year in all the public schools of the county, including schools in the independent cities therein; provided, that those systems which show an increase in average daily attendance during the first four scholastic months of the current year may be allowed one additional teacher unit for each 28 pupils in such increase in average daily attendance for such current year.

"(b) Any teacher units which are lost as a result of a decrease in average daily attendance, shall be allocated for the funding of a kindergarten program, based on a formula developed by the State Board of Education,

until such kindergarten program is properly funded. Properly funded is defined as a time (on a statewide basis) when one teacher unit or (supervised) teacher aide is funded for every twenty (20) kindergarten students. Local school boards shall have the discretion to use such units for (supervised) teacher aides in the kindergarten program in lieu of additional certified teachers; provided, however, that any remaining funds saved by using teacher aides in lieu of certified teachers must be utilized in some aspect of the kindergarten program by said local school boards; and further provided that, subject to the approval of the state superintendent of education, up to twenty-five percent (25%) of the units which would have been lost due to decreased average daily attendance may be used to fund a compulsory remedial summer school program, if and when such program is established by the legislature.

"(c) In the event of natural disaster, epidemic or other occurrence that may cause pupil average daily attendance during the first four scholastic months of the school year to be abnormal and below usual and customary levels, the affected school board may petition the state superintendent of education to seek his approval for the use of an alternate four month reporting period during the same scholastic year. The state superintendent of education shall be authorized to approve such petitions after proper examination of the facts and evidence presented."

Section 3. This act shall become effective October 1, 1984.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 89; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Blake, Blakeney, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coleman, Cosby, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Hettinger, Holley, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Mathis, Melton, Mitchell, Moore, Murphy, Newman, Nicholson, Owens, Parker, Payne, Poole, Preuitt, Rains, Rice, Richardson, Rogers, Scott, Seibels, Smith, Starkey, Starr, Thomas, Thornton, Trammell, Turner, Turnham, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

—89

And the bill, S. 42, as thus amended, was read a third time at length and passed.

Yeas 98; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Johnson

(Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Newman, Nicholson, Owens, Parker, Payne, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Turner, Turnham, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

—98

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 383. COMMENDING MRS. LINDA BOWEN OF MONTGOMERY, ALABAMA, WHO EXEMPLIFIES THE INDEPENDENT AND PRODUCTIVE BLIND CITIZENS OF THE STATE OF ALABAMA.

Also:

H. J. R. 384. COMMENDING MRS. MONA FRICKS, DIRECTOR OF THE ALBERTVILLE LIBRARY, ALBERTVILLE, ALABAMA.

Also:

H. J. R. 386. CONGRATULATING VICTOR F. MITCHELL UPON HIM REACHING HIS NINETIETH MILESTONE.

Also

H. J. R. 395. COMMENDING DR. ROBERT LAWSON BRYAN, PASTOR OF THE DEXTER AVENUE UNITED METHODIST CHURCH, MONTGOMERY, ALABAMA.

Also:

H. J. R. 397. COMMENDING MR. JOHNNY LOUIS CLARK FOR OUTSTANDING LEADERSHIP.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 222. Relating to Jackson County; providing for the county governing body to reimburse the office of tax collector and probate judge for certain monetary loss resulting from the performance of official duties for errors or mistakes made in good faith, not to exceed a certain maximum per annum; and providing such funds shall be payable from the general fund of the county.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Richardson, the House concurred in and adopted

the Senate amendment to the bill, H. 222, said Senate amendment being as follows:

On page 1, on line 14, delete the word "any" and insert in lieu thereof:

certain

On page 1, delete Section 1 in its entirety and substitute in lieu thereof:

Section 1. The Jackson County governing body shall reimburse the office of tax collector and probate judge from the general fund of the county the amount of any monetary loss, not to exceed a total of two thousand dollars ($2,000.00) per annum, arising or caused by the acceptance of worthless or forged checks if the acceptance was caused without their personal knowledge.

Yeas 83; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Biddle, Blake, Blakeney, Bowling, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drinkard, Dutton, Escott, Ford, Freeman, Gaston, Goodwin, Grimsley, Hall, Hammett, Harper, Harvey, Hettinger, Horn, Howard, Johnson (Roy), Junkins, Kennedy, Kvalheim, Langford, Lauderdale, Layton, Lewis, McKee, Manley, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Newman, Nicholson, Owens, Parker, Poole, Preuitt, Rains, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Thomas, Thornton, Trammell, Turner, Turnham, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright, and Zoghby.

—83

And the bill, H. 222 as thus amended, was again read at length and passed.

Yeas 83; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Biddle, Blake, Bowling, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Freeman, Gaston, Goodwin, Grimsley, Hall, Hammett, Harper, Harvey, Hettinger, Horn, Howard, Johnson (A.L.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Langford, Lauderdale, Layton, Lewis, McKee, Manley, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Newman, Nicholson, Owens, Parker, Poole, Preuitt, Rains, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Thomas, Thornton, Trammell, Turner, Turnham, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

—83

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Little:

S. J. R. 289. COMMENDING AUBURN UNIVERSITY COACH MEL ROSEN, DEAN OF SOUTHEASTERN CONFERENCE TRACK COACHES.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Turnham, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 289, the title of which is set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Senator Kirkland:

S. J. R. 252. MOURNING THE DEATH OF MR. HERBERT P. FEIBELMAN, JR., PROMINENT MOBILE ATTORNEY.

Also:

By Senator Hilliard:

S. J. R. 255. CONGRATULATING MR. CALVIN C. OTTO ON RECEIVING THE DISTINGUISHED SERVICE AWARD OF THE ALABAMA HOSPITAL ASSOCIATION.

Also:

By Senators Bedford and Mitchell:

S. J. R. 263. HONORING AND DESIGNATING LANCE QUALMANN, A MEMBER OF JACK ZORN'S NATIONAL LADS TO LEADERS SPEAKER TEAM, AN ALABAMA AMBASSADOR OF GOODWILL.

Also:

By Senator Mitchem:

S. J. R. 276. NOTING THE 100th ANNIVERSARY OF THE HENRYVILLE UNITED METHODIST CHURCH.

Also:

By Senator Foshee:

S. J. R. 306. ENDORSING THE ERECTION OF THE MEMORIAL OF THE FRATERNAL ORDER OF POLICE.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Zoghby, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 252, the title of which is set out in the above and foregoing Message from the Senate.

On motion of Rep. Johnson (Roy), the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 255, S. J. R. 263, S. J. R. 276 and S. J. R. 306, the titles of which are set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Bedford:

S. J. R. 185. CONGRATULATING BURDICK-WEST MEMORIAL HOSPITAL ON ITS ACCREDITATION.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Johnson (Roy), the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 185, the title of which is set in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the House Bill:

H. 420 To amend the following sections of the Code of Alabama 1975: §40-14-40 and 40-14-43. These amendments will increase the amount of franchise tax levy on domestic corporations, and amend the distribution formula to adjust for the increase.

And the President and Presiding Officer of the Senate has appointed as Committee on part of the Senate Senators: Mitchem, Foshee, and Bishop.

McDOWELL LEE,
Secretary.

PERMISSION GRANTED

Permission was granted for the Journal to show that Rep. Poole would have voted "Yea" on the bill, H. 420, had he been in the Chamber at the time of voting.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Teague:

S. J. R. 318 PAYING TRIBUTE TO THE EFFORTS OF THE JEWISH COMMUNITY IN ALABAMA.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Johnson (Roy), the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 318, the title of which is set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Senator Teague:

S. J. R. 153. PETITIONING THE PRESIDENT OF THE UNITED STATES TO REESTABLISH OFFICIAL GOVERNMENTAL RELATIONS WITH THE REPUBLIC OF CHINA AND PETITIONING THE CONGRESS OF THE UNITED STATES TO TAKE ANY NECESSARY ACTION TO PROVIDE SPECIFIC SECURITY GUARANTEES FOR THE REPUBLIC OF CHINA.

Also:

By Senator Barron:

S. J. R. 251. NAMING THE NEW BUSINESS AND EDUCATION BUILDING AT NORTHEAST ALABAMA STATE JUNIOR COLLEGE, THE "HARRY CAMPBELL BUSINESS AND EDUCATION BUILDING."

Also:

By Senator Barron:

S. J. R. 253. NAMING THE HEALTH AND FINE ARTS BUILDING AT NORTHEAST ALABAMA STATE JUNIOR COLLEGE, THE W. M. BECK HEALTH AND FINE ARTS CENTER.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The resolutions, S. J. R. 153, S. J. R. 251 and S. J. R. 253, the titles of which are set out in the above and foregoing Message from the Senate, were read and referred to the Standing Committee on Rules.

REPORT OF COMMITTEE ON CONFERENCE ON HOUSE BILL 420

We, the Committee on Conference appointed to reconcile the differences between the two Houses concerning House Bill 420 have met, considered the bill, and have agreed to the attached:

TOM COBURN,
JOHN CASEY,
JIM CAMPBELL,
Conferees on the Part of the House
CRUM FOSHEE,
CHARLES BISHOP,

HINTON MITCHEM,

Conferees on the Part of the Senate

A BILL
TO BE ENTITLED
AN ACT

To amend Sections 40-14-40 and 40-14-43, Code of Alabama 1975, so as to increase the amount of franchise tax levy on domestic corporations and change the distribution formula to adjust for the increase.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 40-14-40 and 40-14-43, Code of Alabama 1975, are hereby amended to read as follows:

"§ 40-14-40.

"Every corporation organized under the laws of this state, except strictly benevolent, educational or religious corporations, shall pay annually to the state an annual franchise tax ~~of $3.00 on each $1,000.00 of~~ based on its capital stock; as follows:

For the tax year beginning	Rate on each $1,000.00 of capital stock
January 1, 1984	$ 10.00
And all tax years thereafter	$ 10.00

provided, that in no event shall the amount paid by any corportion for annual franchise tax be less than the sum of ~~$25.00~~ $50.00.

"§ 40-14-43.

"Remittance of the franchise tax required by the above sections shall be made to the department of revenue at Montgomery, Alabama, with checks payable to the state treasurer of Alabama. ~~Two twenty fifths of the~~ The franchise tax collected shall be distributed as follows: One part, which shall be known as the 'Counties Portion,' shall be apportioned by the department of revenue to the several counties in which the corporation does business, in proportion to the amount of taxable property of such corporation in each of said counties, and the comptroller shall draw his warrant payable to the county treasurer of each county in such proportion upon certificate of the department of revenue. ~~One fifth~~ One portion of the franchise tax collected shall be deposited in the state treasury to the credit of the state public welfare trust fund and is hereby appropriated for general welfare purposes; the remainder of said tax shall be paid by the department of revenue to the general fund. The annual portions referred to above shall be in accordance with the following distribution schedule:

"Distribution Schedule

"For the tax year beginning	Counties Portion	Public Welfare Trust Fund Portion	General Fund
January 1, 1984	6.65%	16.35%	77.0%
And all tax years Thereafter	6.65%	16.35%	77.0%

In this section, 'general welfare purposes' means:

"(1) The administration of public assistance as set out in Sections 38-2-

5 and 38-4-1;

"(2) Services, including supplementation and supplementary services under the Federal Social Security Act to or on behalf of persons to whom such public assistance may be given under said Section 38-4-1;

"(3) Services to and on behalf of dependent, neglected or delinquent children; and

"(4) Investigative and referral services to and on behalf of needy persons."

Section 2. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This Act shall become effective January 1, 1984, following its passage and approval by the Governor or upon its otherwise becoming a law.

CONFERENCE COMMITTEE REPORT ADOPTED

On motion of Rep. Campbell, the House concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the Senate amendment to the bill, H. 420, said report being set out in the above and foregoing Report of the Committee on Conference.

Yeas 65; Nays 24.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Biddle, Blake, Boles, Bowling, Box, Brakefield, Browder, Bryant, Buskey, Butler, Campbell, Casey, Clark, Coburn, Coleman, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Ford, Goodwin, Harper, Harvey, Holley, Horn, Howard, Johnson (R.G.), Johnson (Roy), Junkins, Laird, Langford, Lauderdale, Layton, Lewis, McKee, Manley, Melton, Minus, Mitchell, Moore, Newman, Nicholson, Owens, Parker, Payne, Penry, Reed, Rogers, Seibels, Smith, Starkey, Thomas, Thornton, Trammell, Turner, Waggoner, Wright and Zoghby.

—65

Nays:

Reps.: Brooks, Carothers, Carter, Clikas, Cosby, Freeman, Gaston, Grouby, Hall, Hammett, Hettinger, Johnson (A.L.), Murphy, Preuitt, Rice, Richardson, Sasser, Scott, Starr, Turnham, Warren White (F), White (L), and Wilson.

—24

And the bill:

H. 420. To amend the following sections of the Code of Alabama 1975: §40-14-40 and 40-14-43. These amendments will increase the amount of franchise tax levy on domestic corporations, and amend the distribution formula to adjust for the increase.

As amended by the Report of the Committee on Conference, was again read at length and passed.

Yeas 61; Nays 37.

Yeas:

Mr. Speaker, Albright, Ashley, Bennett, Biddle, Blake, Boles, Bowling, Box, Brakefield, Browder, Bryant, Buskey, Butler, Campbell, Casey, Clark, Coburn, Coleman, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Ford, Goodwin, Grimsley, Harper, Harvey, Holley, Horn, Howard, Johnson (Roy), Junkins, Kennedy, Langford, Lauderdale, Layton, Lewis, Manley, Mathis, Melton, Minus, Mitchell, Moore, Newman, Nicholson, Parker, Penry, Reed, Rogers, Smith, Starkey, Thomas, Thornton, Trammell, Turner, Williams, Wright and Zoghby.

—61

Nays:

Reps.: Adams, Brooks, Carothers, Carter, Clikas, Cosby, Flowers, Freeman, Gaston, Grouby, Hall, Hammett, Hettinger, Johnson (A.L.), Johnson (R.G.), Kvalheim, Laird, McKee, McMillan, Murphy, Owens, Payne, Preuitt, Rains, Rice, Richardson, Sasser, Scott, Seibels, Starr, Stout, Turnham, Waggoner, Warren, White (F), White (L) and Wilson.

—37

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the House amendment to the following Senate Bill:

S. 42. To amend further Section 16-13-52, Code of Alabama 1975, relating to the determination of teacher units for the purpose of apportioning the minimum school program fund, so as to allow any teacher units which are lost by a county or an independent city because of decrease in average daily attendance, to be transferred to a kindergarten program until the kindergarten program is adequately funded or a compulsory remedial summer school program; to provide for the state superintendent of education to allocate the units and to provide the basis therefor; and to provide for certain authority of the local school system in the use of such transferred units within the kindergarten program.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 478. REQUESTING GOVERNOR GEORGE C. WALLACE TO PETITION THE PRESIDENT TO DECLARE GENEVA AND HOUSTON COUNTIES A FEDERAL DISASTER AREA.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the Report of the Committee on Conference appointed to reconcile the disagreement of the two Houses on the Senate amendment to the Bill:

H. 420. To amend Sections 40-14-40 and 40-14-43, Code of Alabama 1975, so as to increase the amount of franchise tax levy on domestic corporations and change the distribution formula to adjust for the increase.

And said Bill, H. B. 420, together with the Conference Report, is herewith returned to the House.

McDOWELL LEE,
Secretary.

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House Bills and House Joint Resolutions hereinafter mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 11:50 A. M. on July 25, 1983.

H. 296 Ex. Amdt.

H. 191

H. 231

H. 275

H. 286

H. 297

H. J. R. 329

H. J. R. 332

H. J. R. 334

H. J. R. 335

H. J. R. 337

H. J. R. 341

H. J. R. 343

H. J. R. 346

H. J. R. 348

H. J. R. 358

H. J. R. 378

H. J. R. 379

H. J. R. 396

H. J. R. 398

H. J. R. 422
H. J. R. 424
H. J. R. 427
H. J. R. 431
H. J. R. 453
H. J. R. 454
H. 72
H. 224
H. 450
.H. 530
H. J. R. 430

Delivered to the Governor at 2:40 P.M. on July 25, 1983

H. 102
H. 111
H. 183
H. 184
H. 218
H. 220
H. 221
H. 237
H. 238
H. 239
H. 240
H. 241
H. 316
H. 410
H. 507
H. 511
H. 619
H. 672
H. 680
H. 681
H. 686
H. 694
H. 770
H. 797

H. 816

H. 831

Delivered to the Secretary of State at 4:08 P. M. on July 25, 1983.

H. 223

H. 845

H. 847

H. 862

H. 906

Delivered to the Governor at 4:20 P.M. on July 25, 1983.

H. 258

H. 328

H. 443

H. 482

H. 513

H. 554

H. 655

H. 677

H. 692

H. 707

H. 729

H. 753

H. 803

H. 805

H. 817

H. 827

H. 828

H. 836

H. 837

H. 838

H. 841

H. 849

H. 857

H. 859

H. 860

H. 861

H. 874

H. 885

H. 890

H. 904

H. 916

H. J. R. 342

H. J. R. 345

H. J. R. 373

H. J. R. 455

H. J. R. 456

Delivered to the Governor at 6:00 P.M. on July 25, 1983.

H. 264

H. 534

H. 535

Delivered to the Governor at 9:30 P.M. on July 25, 1983.

H. 252

H. 260

H. 578

JOHN W. PEMBERTON,
Clerk.

ADJOURNMENT

On motion of Rep. Manley and pursuant to the resolution, H. R. 460, heretofore adopted, the House adjourned until 10:00 o'clock a.m., Monday, August 1, 1983.

THIRTIETH DAY

House of Representatives
Montgomery, Alabama
Monday, August 1, 1983

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Rev. Harold G. Hermetz, St. Paul's Lutheran Church, Cullman, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler,

Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

—105

A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the twenty-ninth legislative day and finds the same to be correct.

JOHN CASEY,
Chairman.

MOTION TO SUSPEND RULES LOST

The motion offered by Rep. Casey to suspend the rules in order to dispense with the reading at length of the Journal of the House of Representatives for the twenty-ninth legislative day and to adopt the report of the Standing Committee on Rules, was lost, lacking a four-fifths vote.

Yeas 26; Nays 19.

Yeas:

Mr. Speaker, Ashley, Blake, Bowling, Brooks, Bryant, Carter, Casey, Coleman, Grouby, Hettinger, Junkins, Langford, Lauderdale, Layton, Martin, Mitchell, Nicholson, Richardson, Smith, Starkey, Starr, Stout, Turnham, Venable and Wright.

—26

Nays:

Reps.: Bennett, Biddle, Boles, Davis, Escott, Grimsley, Horn, Lewis, Melton, Moore, Murphy, Newman, Owens, Payne, Rice, Rogers, Scott, Thornton and Waggoner.

—19

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

READING OF JOURNAL

The Speaker directed the Clerk to read the Journal of the House for the twenty-ninth legislative day, and the reading commenced.

The reading at length of the Journal of the House of Representatives for the twenty-ninth legislative day having been completed, the Journal was approved as read.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 56. To establish the children's trust fund in the state treasury for the primary purpose of encouraging the direct provision of services to prevent child abuse and neglect and to provide for the continuous appropriation of moneys in such fund; to authorize and provide for voluntary contributions to such fund by means of an income tax checkoff and to prescribe certain duties for the state revenue department and the state treasurer in connection with such checkoff contributions; to provide for reimbursing the revenue department for the additional cost of collecting and handling such contributions; to provide for terminating the voluntary contributions when the trust fund reaches a certain amount; to regulate the use of the trust fund; to provide that the child abuse and neglect prevention board shall have access to and control over the fund and shall supervise and control the use of the assets of the fund; and to prescribe the effective date of this act.

Also:

H. 57. To create and establish the state child abuse and neglect prevention board; to prescribe the purpose of and the authority, powers and duties of such board; specifically to place certain duties relative to the children's trust fund in the state treasury on the child abuse and neglect prevention board and to prescribe criteria for determining when and how much money from such fund shall be made available to local organizations for use in the prevention of child abuse and neglect; and to place additional duties and confer additional powers and authority on certain state departments.

Also:

H. 148. To amend Section 39-1-1, Code of Alabama 1975, so as to expedite settlements with contractors performing contracts of less than $10,000.00 in amount; to provide procedures for payment of final settlements of such contracts upon completion and full compliance with the terms of the said contract.

Also:

H. 222. Relating to Jackson County; providing for the county governing body to reimburse the office of tax collector and probate judge for certain monetary loss resulting from the performance of official duties for errors or mistakes made in good faith, not to exceed a certain maximum per annum; and providing such funds shall be payable from the general fund of the county.

Also:

H. 287. To amend Section 40-21-85, Code of Alabama 1975, so as to revise the payment schedule of utility gross receipts tax such that payers of large tax liabilities will pay on an estimate basis during and for the period in which the tax liability accrues.

Also:

H. 243. To amend Sections 4, 7, 10, 11 and 16 of Title 40, Chapter 15, Code of Alabama, 1975, that imposes an estate and inheritance tax by changing due dates under this Chapter from 15 months after the decedent's death to 9 months after the decedent's death and by changing the interest rate charged for delinquent payments from six percent per annum to the rate established in Section 40-1-44, Code of Alabama, 1975.

Also:

H. 244. To further amend §§ 40-18-42, 40-18-80, 40-18-82, and 40-18-83, Code of Alabama 1975, so as to provide for elimination of installment payments of income tax by corporations and fiduciaries and to require the filing and payment of declarations of estimated income tax by corporations. This bill will also allow as a deduction for corporate income tax purposes limited carry forward (but no carry back) of corporate net operating losses.

And finds same correctly enrolled.

JOHN S. CASEY,
Chairman.

SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 299. To amend Section 13A-7-1, Code of Alabama 1975, which provides for the definitions relating to the crimes of burglary and criminal trespass, so as to provide further for said definitions.

Also:

H. 301. To amend Section 9-11-53, Code of Alabama 1975, relating to annual resident fishing licenses, so as to delete the requirement of said licenses for residents of this state over 65 years of age and to require in place thereof proof of age and permanent residence to be on said persons while fishing.

Also:

H. 340. To amend Sections 12-19-71, 12-19-72, 12-19-73, 12-19-74, 12-19- 5, 12-19-171, 12-19-172, 12-19-173, 12-19-174, 12-19-175, 12-19-176, 12-19-177, 12-19-178, 12-19-179, and 12-19-91, Code of Alabama 1975, to further provide for the assessment, collection and distribution of fees and costs in circuit and district courts and appellate courts so as to enhance that portion of the fee schedule distributed to the state general fund; to amend Section 12-2-20, Code of Alabama 1975, so as to further provide for, regulate and limit the use of the fees paid into the administrative fund of the supreme court; to repeal all laws or parts of laws in conflict herewith; and to provide for the effective date of this Act.

Also:

H. 420. To amend Sections 40-14-40 and 40-14-43, Code of Alabama 1975, so as to increase the amount of franchise tax levy on domestic corporations and change the distribution formula to adjust for the increase.

Also:

H. 494. To amend Sections 34-13-1, 34-13-4, 34-13-20, 34-13-22, 34-13-53, 34-13-72, 34-13-92 and 34-13-111, Code of Alabama 1975, relating to funeral services, board of funeral services licensees and funeral establishments, so as to further provide for the definitions of apprentice embalmers, distributions of the rules and regulations, composition, qualifications and terms of the board of funeral services, quorum, licensees and matters of record, qualifications of applicants for examination and inspections of funeral establishments and to provide for its retroactive effect.

Also:

H. 509. To amend Sections 5-18-5 and 5-19-22, Code of Alabama 1975, relating to annual license fees paid by persons making certain type loans, so as to alter said license fees and to provide for the distribution of said revenue.

Also:

H. 747. Relating to Montgomery County; providing further for the compensation of the judge of probate.

Also:

H. 815. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Wilsonville, in Shelby County, to provide for a referendum election of the qualified electors who reside within the territory proposed to be brought within the municipal limits of Wilsonville.

Also:

H. 536. To amend Section 15-22-23 and Section 15-22-36, of the Code of Alabama 1975, which relates to the authority of the board of pardons and paroles to grant pardons and paroles so as to provide further for notification procedures.

And finds same correctly enrolled.

JOHN S. CASEY,
Chairman.

SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has ex-

amined the following House Bills, to-wit:

H. 826. To make an absolute appropriation from Revenue Sharing Funds to the named recipients in the amount indicated for the fiscal year ending September 30, 1983.

Also:

H. 829. Relating to Bibb County; authorizing the Bibb County Commission to levy a county privilege, license, or excise tax on the sale, distribution, storage, use, or other consumption of tobacco and certain tobacco products in such county; providing for the collection and enforcement of the tax, and appropriating the proceeds therefrom.

And finds same correctly enrolled.

JOHN S. CASEY,
Chairman.

SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 245. To make annual appropriations for the support, maintenance and development of public education in Alabama and for debt service and capital improvements for the fiscal year ending September 30, 1984.

And finds same correctly enrolled.

JOHN S. CASEY,
Chairman.

SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 384. COMMENDING MRS. MONA FRICKS, DIRECTOR OF THE ALBERTVILLE LIBRARY, ALBERTVILLE, ALABAMA.

Also:

H. J. R. 386. CONGRATULATING VICTOR F. MITCHELL UPON HIM REACHING HIS NINETIETH MILESTONE.

Also:

H. J. R. 383. COMMENDING MRS. LINDA BOWEN OF MONTGOMERY, ALABAMA, WHO EXEMPLIFIES THE INDEPENDENT AND PRODUCTIVE BLIND CITIZENS OF THE STATE OF ALABAMA.

Also:

H. J. R. 395. COMMENDING DR. ROBERT LAWSON BRYAN, PASTOR OF THE DEXTER AVENUE UNITED METHODIST CHURCH, MONTGOMERY, ALABAMA.

Also:

H. J. R. 397. COMMENDING MR. JOHNNY LOUIS CLARK FOR OUTSTANDING LEADERSHIP.

Also:

H. J. R. 478. REQUESTING GOVERNOR GEORGE C. WALLACE TO PETITION THE PRESIDENT TO DECLARE GENEVA AND HOUSTON COUNTIES A FEDERAL DISASTER AREA.

And finds same correctly enrolled.

JOHN S. CASEY,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bill, your signature thereto is requested:

S. 58. To propose a new constitution for the State of Alabama to replace the Constitution of 1901, as amended.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Bill, the title of which is set out in the above and foregoing Message from the Senate.

MOTION IN WRITING

Rep. Horn filed the following Motion in Writing:

Having voted on the prevailing side by which the House concurred in the Conference Committee Report on Senate Bill 58, I now move to reconsider said vote.

REPORT FILED

Pursuant to Senate Joint Resolution 3, Act No. 83-122, adopted in the Second Extraordinary Session of the 1983 Legislature, Senator Kirkland, Chairman, submitted the final report of the Joint Interim Oil and Gas Study Committee, and the report was ordered filed.

RESOLUTIONS

The following resolutions were introduced and distributed according to Joint Rule 11:

By Rep. Starkey:

H. R. 489. MOURNING THE DEATH OF MRS. REBECCA LOU CUNNINGHAM GRUBB OF FLORENCE, ALABAMA.

Also:

By Reps. Starkey and Ashley:

H. R. 490. MOURNING THE DEATH OF MR. WILLIAM A. MAPES OF FLORENCE, ALABAMA.

Also:

By Reps. Starkey and Ashley:

H. R. 491. COMMENDING MR. GARY M. JAMES FOR OUTSTANDING COURAGE IN HIS HEROIC RESCUE OF AN ELDERLY MAN.

Also:

By Rep. Kvalheim:

H. R. 492. CONGRATULATING MR. AND MRS. DREW BAUMHAUER ATKINSON ON THEIR RECENT MARRIAGE.

Also:

By Rep. Kvalheim:

H. R. 493. COMMENDING PI KAPPA PHI FRATERNITY.

Also:

By Rep. Manley:

H. R. 494. COMMENDING ROSENBUSH FURNITURE COMPANY FOR 88 YEARS OF CONSECUTIVE SERVICE TO DEMOPOLIS AND THE WEST ALABAMA TRADE AREA.

Also:

By Reps. Moore, Murphy and Smith:

H. R. 495. COMMENDING MISS THERESA CAIN, MISS ALABAMA UNITED TEENAGER OF 1983.

Also:

By Rep. Mitchell:

H. R. 496. COMMENDING MR. JAMES ELLIS TEER OF NORTHPORT, ALABAMA.

Also:

By Reps. Gaston and Kvalheim:

H. R. 497. COMMENDING JACK EDWARD DAVIS OF MOBILE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

By Rep. Rains:

H. R. 498. COMMENDING VICTOR ALFORD OF ALBERTVILLE, UPON BEING NAMED HEAD GOLF PROFESSIONAL AT THE COUNTRY CLUB OF MARIETTA, GEORGIA.

Also:

By Rep. Rains:

H. R. 499. COMMENDING MR. AND MRS. BREMON BREEDLOVE ON THEIR MARRIAGE OF MORE THAN 50 YEARS.

Also:

By Rep. Payne:

H. R. 500. COMMENDING MR. BOB SMITH, PASTOR OF PARKWAY CHRISTIAN FELLOWSHIP CHURCH, BIRMINGHAM, ALABAMA.

Also:

By Reps. Payne, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drake, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Crosby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby:

H. R. 501. COMMENDING REPRESENTATIVE DUANE LEWIS OF BESSEMER ON HIS LEGISLATIVE LEADERSHIP AND EXTENDING BEST WISHES.

Also:

By Reps. Hammett, Venable, Grimsley, Owens and Williams:

H. R. 502. COMMENDING MR. AND MRS. RAYMOND PRUITT OF ANDALUSIA, ALABAMA, ON THE OCCASION OF THEIR 60TH WEDDING ANNIVERSARY.

Also:

By Rep. Hettinger:

H. R. 503. COMMENDING MAJOR GENERAL ROBERT LUSTON MOORE, COMMANDER OF THE U. S. ARMY MISSILE COMMAND AND REDSTONE ARSENAL.

Also:

By Reps. Hettinger, Brooks, Hall, Butler, Freeman and Albright:

H. R. 504. COMMENDING THE INTERIM COMMISSION ON ALABAMA'S ENGINEERING COLLEGES.

Also:

By Rep. Blakeney:

H. R. 505. COMMENDING MR. AND MRS. HEZEKIAH FOREMAN, SR., OF THOMASVILLE, ALABAMA, ON THEIR GOLDEN WEDDING ANNIVERSARY.

Also:

By Rep. Williams:

H. R. 506. COMMENDING THE GULF OIL COMPANY, MR. D. C. INGLE, MR. R. D. HUCKABY, AND MR. FRANK ODOM FOR THEIR GENEROSITY AND VOLUNTEER WORK AT THE SOUTHEAST ALABAMA REHABILITATION CENTER.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bill and Senate Joint Resolutions, your signature thereto is requested:

S. J. R. 256. CREATING A PERMANENT JOINT COMMITTEE TO STUDY OIL AND GAS, TO BE CALLED THE "ALABAMA OIL AND GAS STUDY COMMITTEE," EFFECTIVE JANUARY 1, 1984.

Also:

S. 42. To amend further Section 16-13-52, Code of Alabama 1975, relating to the determination of teacher units for the purpose of apportioning the minimum school program fund, so as to allow any teacher units which are lost by a county or an independent city because of decrease in average daily attendance, to be transferred to a kindergarten program until the kindergarten program is adequately funded or a compulsory remedial summer school program; to provide for the state superintendent of education to allocate the units and to provide the basis therefor; and to provide for certain authority of the local school system in the use of such transferred units within the kindergarten program.

Also:

S. J. R. 185. CONGRATULATING BURDICK-WEST MEMORIAL HOSPITAL ON BECOMING ACCREDITED IN 1983.

Also:

S. J. R. 252. MOURNING THE DEATH OF MR. HERBERT P.

FEIBELMAN, JR., PROMINENT MOBILE ATTORNEY.

Also:

S. J. R. 255. CONGRATULATING MR. CALVIN C. OTTO ON RECEIVING THE DISTINGUISHED SERVICE AWARD OF THE ALABAMA HOSPITAL ASSOCIATION.

Also:

S. J. R. 263. HONORING AND DESIGNATING LANCE QUALMANN, A MEMBER OF JACK ZORN'S NATIONAL LADS TO LEADERS SPEAKER TEAM, AN ALABAMA AMBASSADOR OF GOODWILL.

Also:

S. J. R. 276. NOTING THE 100th ANNIVERSARY OF THE HENRYVILLE UNITED METHODIST CHURCH.

Also:

S. J. R. 289. COMMENDING AUBURN UNIVERSITY COACH MEL ROSEN, DEAN OF SOUTHEASTERN CONFERENCE TRACK COACHES.

Also:

S. J. R. 306. ENDORSING THE ERECTION OF THE MEMORIAL OF THE FRATERNAL ORDER OF POLICE.

Also:

S. J. R. 318. PAYING TRIBUTE TO THE EFFORTS OF THE JEWISH COMMUNITY IN ALABAMA.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE BILL AND SENATE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Bill and Senate Joint Resolutions, the titles of which are set out in the above and foregoing Message from the Senate.

REPORT OF COMMITTEE ON CONFERENCE ON HOUSE BILL 236

We, the Committee of Conferees appointed to reconcile the difference between the two Houses concerning House Bill 236 have met, considered the matter, and agreed to the following:

Substitute for H. B. 236 is attached.

TOM COBURN,
JOHN CASEY,
JIMMY HOLLEY,
Conferees of the House.
HINTON MITCHEM,

CHARLES BISHOP,

BOBBY DENTON,

Conferees of the Senate.

A BILL
TO BE ENTITLED
AN ACT

To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, for other functions of government, for interest on the public debt, and for capital outlay for the fiscal year ending September 30, 1984.

Be It Enacted by the Legislature of Alabama:

Section 1. The monies in Section 2 are appropriated from the named funds for the 1983-84 fiscal year to the state agency indicated, as the amounts to be used to pay the expenditures of the named agencies, and are in lieu of all monies appropriated for these purposes in other sections of the Alabama Statutes.

For the purpose of this Act, the amounts herein for expenditures are listed by programmatic area and the total for all programs are shown by the source of funds. It is intended that only the named funds be appropriated to the agency concerned; and that the following definitions shall be applicable:

(a) "Appropriation Total" shall mean the aggregate total of all fund sources.

(b) "Program" shall mean specific governmental services required to achieve a specific objective. A program shall be directed to meeting the need of an identified clientele, or group of recipients or beneficiaries.

(c) "Capital Outlay" shall mean expenditures which result in the acquisition and/or addition to items, such as land or buildings, which have an appreciable and calculable period of usefulness in excess of one year, and shall be expended only for such purposes.

(d) "Debt Service" shall mean an expenditure for the payment of interest and principal on all bonded debt obligations of the State, and shall be expended only for such purposes.

Section 2. There is hereby appropriated for the ordinary expenses of the executive, legislative, and judicial departments of the State, for other functions of government, for the principal and interest on the public debt, and for capital outlay for the fiscal year ending September 30, 1984, to be paid out of any monies hereinafter specified, from such other funds and accounts as may be designated, or so much thereof as may be necessary, and the total amount to be expended for the items for which the appropriation is herein made shall not exceed the amount provided therefor, except as provided in the Budget Management Act of 1976, Title 41, Chapter 19, Sections 1 through 12, 1975 Code of Alabama as amended. Provided, however, that regardless of the ending date of any pay period which has been or may be established by the Legislature for the payment of salaries of state employees, the entire payment due shall be made from the fiscal year's appropriation in which the pay date falls.

2A. LEGISLATIVE:

1. EXAMINERS OF PUBLIC ACCOUNTS, DEPARTMENT OF:		
(a) Legislative Support-Audit Services Program		3,650,000
The appropriation to the Examiners of Public Accounts shall include a transfer to the State Personnel Department of $8,220.		
SOURCE OF FUNDS:		
(1) State General Fund	3,650,000	
Total Department of Examiners of Public Accounts	3,650,000	3,650,000
2. LEGISLATIVE COUNCIL:		
(a) Legislative Operations and Support Program		180,000
(For Operations of the Council including out-of-state travel by Council members and members of the Legislature authorized to attend Legislative conferences by joint resolution of the Legislature.)		
SOURCE OF FUNDS:		
(1) State General Fund	180,000	
Total Legislative Council	180,000	180,000
3. LEGISLATIVE FISCAL OFFICE:		
(a) Legislative Operations and Support Program		449,675
SOURCE OF FUNDS:		
(1) State General Fund	449,675	
Total Legislative Fiscal Office	449,675	449,675
4. LEGISLATIVE REFERENCE SERVICE:		
(a) Legislative Operations and Support Program		725,000
The appropriation to the Leg-		

islative Reference Service shall include a transfer to the State Personnel Department of $502.

SOURCE OF FUNDS:
(1) State General Fund 725,000

Total Legislative Reference Service 725,000 725,000

5. LEGISLATURE:

(a) Senate Operations and Support Program 1,214,495

(b) House Operations and Support Program 1,821,743

SOURCE OF FUNDS:
(1) State General Fund 3,036,238

Total Legislature 3,036,238 3,036,238

6. LEGISLATURES, NATIONAL CONFERENCE OF STATE:

(a) Legislative Operations and Support Program 53,359

SOURCE OF FUNDS:
(1) State General Fund 53,359

Total National Conference of State Legislatures 53,359 53,359

B. JUDICIAL:

1. COURT OF CIVIL APPEALS:

(a) Court Operations Program 791,160

SOURCE OF FUNDS:
(1) State General Fund 791,160

Total Court of Civil Appeals .. 791,160 791,160

2. COURT OF CRIMINAL APPEALS:

(a) Court Operations Program 1,243,209

SOURCE OF FUNDS:
(1) State General Fund 1,243,209

Total Court of Criminal Appeals	1,243,209		1,243,209
3. JUDICIAL INQUIRY COMMISSION:			
(a) Administrative Services Program			73,511
SOURCE OF FUNDS:			
(1) State General Fund	73,511		
Total Judicial Inquiry Commission	73,511		73,511
4. JUDICIAL RETIREMENT SYSTEM:			
(a) Retirement Systems Program			1,216,200
SOURCE OF FUNDS:			
(1) State General Fund	1,216,200		
Total Judicial Retirement System	1,216,200		1,216,200
5. SUPREME COURT:			
(a) Court Operations Program			3,062,524
SOURCE OF FUNDS:			
(1) State General Fund	3,047,524		
(2) Federal, Local and Miscellaneous Funds		15,000	
Total Supreme Court	3,047,524	15,000	3,062,524
6. UNIFIED JUDICIAL SYSTEM: (Administrative Office of Courts)			
(a) Court Operations Program			43,231,519
(b) Administrative Services Program			3,171,701
(c) Judicial Education and Training Program			300,000
SOURCE OF FUNDS:			
(1) State General Fund	46,703,220		
Total Unified Judicial System	46,703,220		46,703,220

C. EXECUTIVE

1. ACADEMY OF HONOR, ALABAMA:

(a) Historical Resources Management Program			850
SOURCE OF FUNDS:			
(1) State General Fund as provided in Title 41, Chapter 11, Section 6, 1975 Code of Alabama	850		
Total Alabama Academy of Honor	850		850

2. ACCOUNTANCY, ALABAMA STATE BOARD OF PUBLIC:

(a) Professional and Occupational Licensing and Regulation Program			246,065
SOURCE OF FUNDS:			
(1) Alabama State Board of Public Accountancy Fund		246,065	
As provided in Title 34, Chapter 1, Section 22, 1975 Code of Alabama.			
In addition to the amounts appropriated hereinabove to the State Board of Public Accountancy, there is hereby appropriated such an amount as may be necessary to pay the refund of any application for license which may have been rejected by the Board or withdrawn by request of applicant.			
Total Alabama State Board of Public Accountancy		246,065	246,065

3. ADJUSTMENT, BOARD OF:

(a) Special Services Program			182,750

SOURCE OF FUNDS:			
(1) State General Fund for the General Fund Contribution to the total expenditure of $350,000 pursuant to Title 41, Chapter 9, Section 73, 1975 Code of Alabama	12,750		
(2) State General Fund for expenditures as provided in Title 31, Chapter 3 and Title 36, Chapter 30, Article 1, 1975 Code of Alabama, Estimated	170,000		
Total Board of Adjustment	182,750		182,750
4. AERONAUTICS, DEPARTMENT OF:			
(a) Airport Development and Aeronautical Support Program			666,613
The appropriation to the Department of Aeronautics shall include a transfer to the State Personnel Department of $314.			
SOURCE OF FUNDS:			
(1) Airport Development Fund		666,613	
As provided by Title 4, Chapter 2, Section 42, 1975 Code of Alabama			
Total Department of Aeronautics		666,613	666,613
5. AGING, COMMISSION ON:			
(a) Planning and Advocacy for Elderly Program			13,459,892
The appropriation to the Commission on Aging shall include a transfer to the State Personnel Department of $1,004.			
SOURCE OF FUNDS:			
(1) State General Fund-Transfer	837,432		

(2) Federal, Local and Miscellaneous Funds		12,622,460	
Total Commission on Aging	837,432	12,622,460	13,459,892
6. AGRICULTURAL CENTER BOARD:			
(a) Agricultural Development Services Program			521,344
The appropriation to the Agricultural Center Board shall include a transfer to the State Personnel Department of $753.			
SOURCE OF FUNDS:			
(1) State General Fund	102,000		
For expense and awarding of prizes for fairs as provided in Title 2, Chapter 7, Article 2, 1975 Code of Alabama.			
(2) State General Fund-Transfer	260,944		
(3) Livestock Coliseum Fund		158,400	
Total Agricultural Center Board	362,944	158,400	521,344
7. AGRICULTURAL AND INDUSTRIAL EXHIBIT COMMISSION, ALABAMA:			
(a) Agricultural Development Services Program			26,714
SOURCE OF FUNDS:			
(1) State General Fund	26,714		
Total Alabama Agricultural and Industrial Exhibit Commission	26,714		26,714
8. AGRICULTURE AND INDUSTRIES, DEPARTMENT OF:			
(a) Administrative Services Program			982,481

(b)	Agricultural Inspection Services Program			9,499,486
(c)	Laboratory Analysis and Disease Control Program			2,762,514
(d)	Agricultural Development Services Program			675,894
(e)	Agricultural Arena			25,000
	The appropriation to the Department of Agriculture and Industries shall include a transfer to the State Personnel Department of $28,551.			
	SOURCE OF FUNDS:			
	(1) State General Fund-Transfer	5,944,718		
	(2) Federal, Local and Miscellaneous Funds		1,243,657	
	(3) Shipping Point Inspection Fund		4,557,000	
	Pursuant to Title 2, Chapter 9, Sections 20 and 21, 1975 Code of Alabama. All fees and charges collected by the Commissioner of Agriculture and Industries and deposited into said fund, and such appropriation to the Department of Agriculture and Industries shall include all fees and charges collected and deposited therein for Shipping Point Inspection grading and classification services for agricultural products including services furnished for weighing and issuing weight certificates to be used for the sale of agricultural commodities.			
	(4) Agricultural Fund		2,200,000	
	Total Department of Agriculture and Industries	5,944,718	8,000,657	13,945,375

9. AIR TRANSPORTATION AND

SERVICES, DEPARTMENT OF:			
(a) Administrative Support Services Program			1,795,928
SOURCE OF FUNDS:			
(1) State General Fund-Transfer	1,695,928		
(2) Departmental Receipts		100,000	
Total Department of Air Transportation and Services	1,695,928	100,000	1,795,928
10. ALCOHOLIC BEVERAGE CONTROL BOARD, ALABAMA:			
(a) Alcoholic Beverage Management Program			22,413,093
(b) Licensing, Regulation and Enforcement Program			6,903,324
(c) Administrative Services Program			4,051,120
The appropriation to the Alabama Alcoholic Beverage Control Board shall include a transfer to the State Personnel Department of $64,694, and to the Department of Mental Health of $1,000,000.			
SOURCE OF FUNDS:			
(1) ABC Board Fund		33,367,537	
In addition to the above appropriations herein made, there is hereby appropriated for each additional retail store put into operation during the fiscal year, an amount equal to the sum required to install and operate the last comparable retail store put into operation by said Board provided, however, that the sum appropriated for the operation of retail stores as provided herein shall be reduced in like manner for each retail store closed or withdrawn			

from operation during the same period. There is further appropriated to the Alabama Alcoholic Beverage Control Board, after provision has been made for the other expenditures herein authorized such sums as are or may be necessary to purchase the alcoholic beverages which are essential to maintain adequate stocks and inventory for an economic and successful sales operation. In addition to the above appropriation, it is further provided that, in the event any county or municipality of the State shall, during the fiscal period covered by this appropriation by proper referendum, authorize the legal sale of malt and brewed beverages within such county or municipality there is further appropriated, in addition to the amount herein set out, an amount comparable to that expended during the prior fiscal year for beer and license tax supervision within counties or municipalities of similar size and population. Provided, further that the amount appropriated herein shall be reduced in like manner in the event any county or municipality wherein malt and brewed beverages are now authorized by law to be sold shall, during the fiscal period covered by this appropriation by proper referendum, declare unlawful the sale in such county or municipality of such malt or brewed

beverages.			
Total Alabama Alcoholic Beverage Control Board		33,367,537	33,367,537
11. ARCHITECTS, BOARD FOR REGISTRATION OF:			
(a) Professional and Occupational Licensing and Regulation Program			140,000
The appropriation to the Board for Registration of Architects shall include a transfer to the State Personnel Department of $126.			
SOURCE OF FUNDS:			
(1) Fund of the Board for Registration of Architects, as provided in Title 34, Chapter 2, Section 23, Code of Alabama 1975 ...		140,000	
Total Board for Registration of Architects		140,000	140,000
12. ARCHIVES AND HISTORY:			
(a) Historical Resources Management Program			855,938
The appropriation to Archives and History shall include a transfer to the State Personnel Department of $2,886.			
SOURCE OF FUNDS:			
(1) State General Fund	855,938		
Total Archives and History ...	855,938		855,938
13. ATTORNEY GENERAL, OFFICE OF THE:			
(a) Legal Advice and Legal Services Program			4,368,558
(b) Fair Marketing Practices Program			334,029
The appropriation to the Office of the Attorney General shall			

include a transfer to the State Personnel Department of $9,350.			
SOURCE OF FUNDS:			
(1) State General Fund-Transfer	3,702,812		
(2) Transfer from Pensions and Security		511,457	
(3) Federal, Local and Miscellaneous Funds		488,318	
Total Office of the Attorney General	3,702,812	999,775	4,702,587
14. AUDITOR, STATE:			
(a) Fiscal Management Program			696,231
The appropriation to the State Auditor shall include a transfer to the State Personnel Department of $1,569.			
SOURCE OF FUNDS:			
(1) State General Fund	696,231		
Total State Auditor	696,231		696,231
15. BANKING DEPARTMENT, STATE:			
(a) Charter, License, and Regulate Financial Institutions Program			2,148,790
The appropriation to the State Banking Department shall include a transfer to the State Personnel Department of $3,075.			
SOURCE OF FUNDS:			
(1) Banking Assessment Fees		1,683,100	
As provided in Title 5, Chapter 1, Section 5, 1975 Code of Alabama.			
(2) Bureau of Credit Unions		201,700	
As provided in Title 5, Chapter 17, Article 7, and Chapter 2A, Article 5, 1975 Code of Alabama.			

(3) Loan Examination Fund . As provided in Title 5, Chapter 18, Sections 1-24, 1975 Code of Alabama.		263,990	
Total State Banking Department		2,148,790	2,148,790
16. BAR ASSOCIATION, ALABAMA STATE:			
(a) Professional and Occupational Licensing and Regulation Program			756,045
SOURCE OF FUNDS: (1) State Bar Association Fund, as provided in Title 34, Chapter 3, 1975 Code of Alabama		756,045	
Total Alabama State Bar Association		756,045	756,045
17. BEAR CREEK DEVELOPMENT AUTHORITY:			
(a) Water Resource Development Program			224,179
SOURCE OF FUNDS: (1) State General Fund	42,179		
(2) Federal, Local and Miscellaneous Funds		182,000	
Total Bear Creek Development Authority	42,179	182,000	224,179
18. BRIERFIELD IRONWORKS PARK:			
(a) Outdoor Recreation Sites and Services Program			101,529
SOURCE OF FUNDS: (1) State General Fund	25,000		
(2) Federal, Local and Miscellaneous Funds		76,529	

Total Brierfield Ironworks Park	25,000	76,529	101,529

19. BUILDING COMMISSION:

(a) Special Services Program			791,289
The appropriation to the Building Commission shall include a transfer to the State Personnel Department of $1,192.			
SOURCE OF FUNDS:			
(1) State General Fund-Transfer	150,000		
(2) Federal, Local and Miscellaneous Funds		641,289	
Total Building Commission	150,000	641,289	791,289

20. CAHABA ADVISORY COMMITTEE:

(a) Historical Resources Management Program			21,250
SOURCE OF FUNDS:			
(1) State General Fund	21,250		
Total Cahaba Advisory Committee	21,250		21,250

21. CHIROPRACTIC EXAMINERS, ALABAMA STATE BOARD OF:

(a) Professional and Occupational Licensing and Regulation Program			36,500
SOURCE OF FUNDS:			
(1) Alabama State Board of Chiropractic Examiner's Fund as provided in Title 34, Chapter 24, Article 4, Divisions 1, 2 and 3, 1975 Code of Alabama		36,500	
Total Alabama State Board of Chiropractic Examiners		36,500	36,500

22. EMERGENCY MANAGEMENT AGENCY, ALABAMA:			
8a) Readiness and Recovery Program			2,730,772
The appropriation to the Alabama Emergency Management Agency shall include a transfer to the State Personnel Department of $2,008.			
SOURCE OF FUNDS:			
(1) State General Fund-Transfer	710,021		
(2) Federal, Local and Miscellaneous Funds		2,020,751	
Total Department of Civil Defense	710,021	2,020,751	2,730,772
23. CONSERVATION AND NATURAL RESOURCES, DEPARTMENT OF:			
(a) State Land Management Program			684,813
(b) Outdoor Recreation Sites and Services Program			10,293,594
(c) Marine Police Management Program			2,034,321
(d) Wildlife and Game Program			11,733,496
Of the above appropriation to the Wildlife and Game Program, $875,000 shall be allocated for capital outlay purposes for construction and improvements for boat ramps on public streams and for construction and improvements on public fishing lakes.			
(e) Marine Resources Management Program			1,358,410
(f) Land and Water Conservation Program			1,357,387
(g) Administrative Services Program			2,090,000
(h) Land Survey Program			264,564

(i) Landmarks Foundation of Dothan 50,000

The appropriation to the Department of Conservation and Natural Resources shall include Alabama's pro rata share of the Gulf States Marine Fisheries Commission operating expenses.

The appropriation to the Department of Conservation and Natural Resources shall include such funds as are necessary for the maintenance, staff and repair of the Governor's official beach mansion. The appropriation to the Department of Conservation and Natural Resources shall include a transfer to the State Personnel Department of $40,975.

SOURCE OF FUNDS:

(1) Alabama Recreation Capital Development Fund ... 138,000

(2) Game and Fish Fund 11,733,496

(3) State Lands Fund 684,813

The funds hereinabove appropriated from the State Lands Fund includes funds for analyzing, cataloging and monitoring mineral reserves and the development thereof on State lands including water and offshore areas.

(4) Marine Resources Fund .. 1,358,410

In addition to the monies hereinabove appropriated from the Marine Resources Fund, all monies derived from contracts, grants or other agreements concerning or relating to marine biological research performed or accomplished at the Marine Resources Division Laboratory at Dauphin Island is

	hereby appropriated and may be expended by the Commissioner of Conservation on such Marine Resources Division Programs or projects which he deems appropriate.		
(5)	Marine Police Fund	2,034,321	
(6)	State Parks Fund	9,705,594	
(7)	Administrative Funds	2,090,000	
	The funds hereinabove appropriated shall be payable as provided in Title 9, Chapter 2, Section 1, 1975 Code of Alabama.		
(8)	Cigarette Tax	500,000	
(9)	Land Survey Fund	264,564	
(10)	Federal Land and Water Fund	1,357,387	
	Total Department of Conservation and Natural Resources	29,866,585	29,866,585

24. CONTRACTORS, STATE LICENSING BOARD FOR GENERAL:

(a)	Professional and Occupational Licensing and Regulation Program		265,845
	The appropriation to the State Licensing Board for General Contractors shall include a transfer to the State Personnel Department of $377.		
	SOURCE OF FUNDS:		
(1)	State Licensing Board for General Contractors Fund	265,845	
	Pursuant to Title 34, Chapter 8, 1975 Code of Alabama. In addition to the amounts appropriated herein above to the State Licensing Board for General Contractors there is hereby appropriated such		

an amount as may be necessary to pay the refund of any application for license which may have been rejected by the Board or application withdrawn by request of applicant.			
Total State Licensing Board for General Contractors		265,845	265,845
25. CORRECTIONS, DEPARTMENT OF:			
(a) Administrative Services and Logistical Support Program...			6,633,600
(b) Institutional Services Corrections Program			62,606,370
(c) Correctional Industries Program			6,972,198
The appropriation to the Department of Corrections shall include a transfer to the State Personnel Department of $99,268.			
SOURCE OF FUNDS:			
(1) State General Fund-Transfer	69,100,000		
(2) Department of Corrections Fund		7,112,168	
The Commissioner of Corrections is authorized to utilize funds herein appropriated as matching contributions, where required and appropriate, to generate additional funds which would effectively increase the appropriations for the Department of Corrections. Any such grant funds so generated and in direct support of the Department of Corrections' operations are also hereby appropriated.			

Total Department of Corrections	69,100,000	7,112,168	76,212,168
26. COSMETOLOGY, ALABAMA BOARD OF:			
(a) Professional and Occupational Licensing and Regulation Program			408,000
The appropriation to the Alabama Board of Cosmetology shall include a transfer to the State Personnel Department of $565.			
SOURCE OF FUNDS:			
(1) Alabama Board of Cosmetology Fund		408,000	
As provided in Title 34, Chapter 7, 1975 Code of Alabama.			
Total Alabama Board of Cosmetology		408,000	408,000
27. COUNSELING, ALABAMA BOARD OF EXAMINERS IN:			
(a) Professional and Occupational Licensing and Regulation Program			39,400
SOURCE OF FUNDS:			
(1) Alabama Board of Examiners in Counseling Fund		39,400	
As provided in Title 34, Chapter 8A, 1975 Code of Alabama.			
Total Alabama Board of Examiners in Counseling		39,400	39,400
28. CRIMINAL JUSTICE INFORMATION SYSTEM, ALABAMA:			
(a) Criminal Justice Information Services Program			2,447,738
The appropriation to the Alabama Criminal Justice Infor-			

mation System shall include a transfer to the State Personnel Department of $3,137.			
SOURCE OF FUNDS:			
(1) State General Fund-Transfer	1,942,838		
(2) Federal, Local and Miscellaneous Funds		504,900	
Total Alabama Criminal Justice Information System	1,942,838	504,900	2,447,738

29. DEVELOPMENT OFFICE, ALABAMA:

(a) Industrial Development Program			2,266,125
Of the above appropriation, not less than $90,000 shall be expended for the preparation and implementation of a promotional campaign developed by the Bureau of Publicity and Information that will promote and improve the State's image regarding the expansion of existing businesses and the attraction of out-of-state industries.			
(b) Administrative Services Program - Office of Minority Business			145,135
(c) **Alabama Film Commission** - Promotional Development Program			186,428
(d) Data Processing and Word Processing Equipment for the Industrial Development Program			32,000
The appropriation to the Alabama Development Office shall include a transfer to the State Personnel Department of $2,133.			
SOURCE OF FUNDS:			
(1) State General Fund-Transfer-Alabama Development Office	2,248,125		

(2) State General Fund-Transfer-Office of Minority Business	84,740		
(3) State General Fund-Transfer-Alabama Film Commission	186,428		
(4) Federal, Local and Miscellaneous Funds		110,395	
Total Alabama Development Office	2,519,293	110,395	2,629,688

30. DISTRICT ATTORNEYS:

(a) Court Operations Program			8,454,377
The proposed spending plan included in the above total is as follows:			
Salaries of District Attorneys	1,965,171		
Salary of elected Deputy District Attorney of the Bessemer Division of the 10th Judicial Circuit	49,516		
For use of the Elected Assistant District Attorney of the Bessemer Division of the 10th Judicial Circuit	96,397		
Salaries and expenses of Supernumerary District Attorneys	852,881		
For use in the District Attorney's Office of the 1st Judicial Circuit	83,135		
For use in the District Attorney's Office of the 2nd Judicial Circuit	71,051		
For use in the District Attorney's Office of the 3rd Judicial Circuit	111,841		

For use in the District Attorney's Office of the 4th Judicial Circuit	329,889
For use in the District Attorney's Office of the 5th Judicial Circuit	261,534
For use in the District Attorney's Office of the 6th Judicial Circuit	228,396
For use in the District Attorney's Office of the 7th Judicial Circuit	146,056
For use in the District Attorney's Office of the 8th Judicial Circuit	109,178
For use in the District Attorney's Office of the 9th Judicial Circuit	103,404
For use in the District Attorney's Office of the 10th Judicial Circuit	350,746
For use in the District Attorney's Office of the 11th Judicial Circuit	89,833
For use in the District Attorney's Office of the 12th Judicial Circuit	191,621
For use in the District Attorney's Office of the 13th Judicial Circuit	336,934
For use in the District Attorney's Office of the 14th Judicial Circuit	94,632
For use in the District Attorney's Of-	

fice of the 15th Judicial Circuit	334,225
For use in the District Attorney's Office of the 16th Judicial Circuit	152,126
For use in the District Attorney's office of the 17th Judicial Circuit	57,700
For use in the District Attorney's Office of the 18th Judicial Circuit	168,258
For use in the District Attorney's Office of the 19th Judicial Circuit	99,893
For use in the District Attorney's Office of the 20th Judicial Circuit	146,405
For use in the District Attorney's Office of the 21st Judicial Circuit	111,586
For use in the District Attorney's Office of the 22nd Judicial Circuit	94,713
For use in the District Attorney's Office of the 23rd Judicial Circuit	245,404
For use in the District Attorney's Office of the 24th Judicial Circuit	88,756
For use in the District Attorney's Office of the 25th Judicial Circuit	84,313
For use in the District Attorney's Office of the 26th Judicial Circuit	148,831
For use in the Dis-	

trict Attorney's Office of the 27th Judicial Circuit	112,972
For use in the District Attorney's Office of the 28th Judicial Circuit	108,894
For use in the District Attorney's Office of the 29th Judicial Circuit	142,720
For use in the District Attorney's Office of the 30th Judicial Circuit	143,646
For use in the District Attorney's Office of the 31st Judicial Circuit	87,055
For use in the District Attorney's Office of the 32nd Judicial Circuit	85,830
For use in the District Attorney's Office of the 33rd Judicial Circuit	80,642
For use in the District Attorney's Office of the 34th Judicial Circuit	43,139
For use in the District Attorney's Office of the 35th Judicial Circuit	58,551
For use in the District Attorney's Office of the 36th Judicial Circuit	71,495
For use in the District Attorney's Office of the 37th Judicial Circuit	95,476
For use in the District Attorney's Office of the 38th Judicial Circuit	108,468

For use in the District Attorney's Office of the 39th Judicial Circuit	38,947		
Appropriations of Salaries of Personnel Established by Statute are estimated. Travel Expense of District Attorneys	72,117		
	8,454,377		
SOURCE OF FUNDS:			
(1) State General Fund		8,454,377	
Total District Attorneys		8,454,377	8,454,377

31. ECONOMIC AND COMMUNITY AFFAIRS, DEPARTMENT OF:			
(a) State Planning Program			49,998,170
(b) Special Services Program			23,056,200
(c) Skills Enhancement and Employment Opportunities Program			64,144,423
(d) Energy Management Program.			4,400,732
(e) Traffic Control and Accident Prevention Program			2,611,228
(f) Law Enforcement Planning and Development Program ...			1,900,680
Of the above appropriation to the Law Enforcement Planning and Development Program, $40,000 shall be allocated to the Marshall County Attention Home.			
The appropriation to the Department of Economic and Community Affairs shall include a transfer to the State Personnel Department of $12,612.			
SOURCE OF FUNDS:			
(1) State General Fund-Transfer-State Planning and Federal Programs ...		2,898,136	

(2) State General Fund-Transfer-Energy Division	529,732		
(3) State General Fund-Transfer-Highway and Traffic Safety	168,378		
(4) State General Fund-Transfer-Law Enforcement Planning Division	279,338		
(5) Federal, Local and Miscellaneous Funds		142,235,849	
Total Department of Economic and Community Affairs	3,875,584	142,235,849	146,111,433

32. ENGINEERS AND LAND SURVEYORS, STATE BOARD OF REGISTRATION FOR PROFESSIONAL:

(a) Professional and Occupational Licensing and Regulation Program			296,579
The appropriation to the State Board of Registration for Professional Engineers and Land Surveyors shall include a transfer to the State Personnel Department of $251.			
SOURCE OF FUNDS:			
(1) Professional Engineers' Fund		296,579	
As provided in Title 34, Chapter 11, Section 36, 1975 Code of Alabama as amended.			
Total State Board of Registration for Professional Engineers and Land Surveyors		296,579	296,579

33. ENVIRONMENTAL MANAGEMENT, DEPARTMENT OF:

(a) Environmental Management Program			7,604,113
The appropriation to the Department of Environmental			

Management shall include a transfer to the State Personnel Department of $11,609.			
SOURCE OF FUNDS:			
(1) State General Fund-Transfer	2,049,318		
(2) Environmental Management Fund		5,554,795	
As provided in Title 22, Chapter 22A, Section 11, 1975 Code of Alabama as amended.			
Total Department of Environmental Management	2,049,318	5,554,795	7,604,113
34. ETHICS COMMISSION, ALABAMA:			
(a) Regulation of Public Officials and Employees Program			196,940
The appropriation to the Ethics Commission shall include a transfer to the State Personnel Department of $502.			
SOURCE OF FUNDS:			
(1) State General Fund	196,940		
Total Alabama Ethics Commission	196,940		196,940
35. FARMERS' MARKET AUTHORITY:			
(a) Agricultural Development Services Program			188,106
The appropriation to the Farmers' Market Authority shall include a transfer to the State Personnel Department of $188.			
SOURCE OF FUNDS:			
(1) State General Fund-Transfer For Administration	73,106		
(2) Farmers' Market Author-			

ity Fund-Revenue and Capital Outlay Account ..		115,000	
Total Farmers' Market Authority	73,106	115,000	188,106
36. FINANCE, DEPARTMENT OF:			
(a) Fiscal Management Program ..			2,513,273
(b) Administrative Support Services Program			3,509,445
The appropriation to the Finance Department shall include a transfer to the State Personnel Department of $32,943.			
SOURCE OF FUNDS:			
(1) State General Fund	6,008,335		
(2) Miscellaneous Funds.....		14,383	
Total Department of Finance .	6,008,335	14,383	6,022,718
37. FORENSIC SCIENCES, DEPARTMENT OF:			
(a) Forensic Science Services Program			3,594,519
The appropriation to the Alabama Department of Forensic Sciences shall include a transfer to the State Personnel Department of $4,769.			
SOURCE OF FUNDS:			
(1) State General Fund	3,503,449		
(2) Federal, Local and Miscellaneous Funds		91,070	
Total Department of Forensic Sciences	3,503,449	91,070	3,594,519
38. FOREIGN TRADE RELATIONS COMMISSION:			
(a) Special Services Program			50,000
The appropriation to the Foreign Trade Relations Commission shall include a transfer to			

the State Personnel Department of $126.			
SOURCE OF FUNDS:			
(1) State General Fund	50,000		
Total Foreign Trade Relations Commission	50,000		50,000
39. FORESTERS, ALABAMA STATE BOARD OF REGISTRATION FOR:			
(a) Professional and Occupational Licensing and Regulation Program			17,900
SOURCE OF FUNDS:			
(1) Professional Foresters' Fund		17,900	
As provided in Title 34, Chapter 12, 1975 Code of Alabama.			
Total Alabama State Board of Registration for Foresters		17,900	17,900
40. FORESTRY COMMISSION, ALABAMA:			
(a) Regional Operations Program .			9,169,682
(b) Forest Resource Planning and Development Program			2,701,191
(c) Executive Administration Program			387,111
(d) Administrative Services Program			1,562,313
The appropriation to the Alabama Forestry Commission shall include a transfer to the State Personnel Department of $26,794.			
SOURCE OF FUNDS:			
(1) State General Fund-Transfer	7,705,297		
(2) Federal and Local Funds .		2,065,000	

(3) Forestry Commission Fund		4,050,000	
Of the above appropriations, $550,000 shall be used for rural and community fire protection. Of the above appropriations, $100,000 shall be expended for aircraft replacement for District 9.			
Total Alabama Forestry Commission	7,705,297	6,115,000	13,820,297
41. FUNERAL SERVICES, ALABAMA BOARD OF:			
(a) Professional and Occupational Licensing and Regulation Program			98,000
SOURCE OF FUNDS:			
(1) Alabama Funeral Directors and Embalmers Fund		98,000	
As provided in Title 34, Chapter 13, 1975 Code of Alabama			
Total Alabama Board of Funeral Service		98,000	98,000
42. GEOLOGICAL SURVEY:			
(a) Discovery and Development of Mineral, Energy and Water Resources, Geologic Research and Topographic Mapping Program			2,002,470
The appropriation to the Geological Survey shall include a transfer to the State Personnel Department of $3,828.			
SOURCE OF FUNDS:			
(1) State General Fund	1,172,165		
(2) Federal, Local and Miscellaneous Funds		830,305	
Total Geological Survey	1,172,165	830,305	2,002,470

43. GORGAS MEMORIAL BOARD:			
(a) Historical Resources Management Program			9,545
SOURCE OF FUNDS:			
(1) State General Fund	8,245		
As provided in Title 41, Chapter 9, Section 220, 1975 Code of Alabama and an additional amount.			
(2) Federal, Local and Miscellaneous Funds		1,300	
Total Gorgas Memorial Board	8,245	1,300	9,545
44. GOVERNOR'S OFFICE:			
(a) Executive Direction Program			1,215,176
The appropriation to the Governor's Office shall include a transfer to the State Personnel Department of $3,263.			
SOURCE OF FUNDS:			
(1) State General Fund	1,215,176		
Total Governor's Office	1,215,176		1,215,176
45. GOVERNOR'S OFFICE-LEGAL:			
(a) Executive Direction Program			102,000
SOURCE OF FUNDS:			
(1) State General Fund	102,000		
Total Governor's Office-Legal	102,000		102,000
46. GOVERNOR'S CONTINGENCY FUND:			
(a) Executive Direction Program			299,368
SOURCE OF FUNDS:			
(1) State General Fund	299,368		
Total Governor's Contingency Fund	299,368		299,368
47. GOVERNOR'S MANSION:			

(a) Executive Direction Program .			176,846
SOURCE OF FUNDS:			
(1) State General Fund	176,846		
Total Governor's Mansion	176,846		176,846
48. GOVERNOR'S MANSION ADVISORY BOARD:			
(a) Historical Resources Management Program			8,500
SOURCE OF FUNDS:			
(1) State General Fund-Transfer	8,500		
Total Governor's Mansion Advisory Board	8,500		8,500
49. GOVERNOR'S VOLUNTARY CITIZEN PARTICIPATION:			
(a) Executive Direction Program .			59,000
SOURCE OF FUNDS:			
(1) Federal Funds		59,000	
Total Governor's Voluntary Citizen Participation		59,000	59,000
50. HEALTH, DEPARTMENT OF PUBLIC:			
(a) Administrative Services Program			[illegible]
(b) Health Support Services Program			49,164,871
Of this amount $6,577,885 shall go to support local health department services of which $3,685,000 shall be used to provide a minimum staff in each of the sixty-seven counties, and the remaining amount shall be distributed on a one-to-one match with locally appropriated funds for the support of local health services on a per capita basis. At the end of the first quarter, any unmatched			

	funds may be distributed to other counties with appropriate matching funds.			
(c)	Clinical Health Services Program			36,995,590
	The appropriation to the Department of Public Health shall include a transfer to the State Personnel Department of $113,764.			
	SOURCE OF FUNDS:			
(1)	State General Fund	15,532,619		
(2)	Cigarette Tax-$.01		1,232,180	
	As provided in Title 40, Chapter 25, Sections 2 and 23, 1975 Code of Alabama.			
(3)	Cigarette Tax-$.02		2,064,334	
	As provided in Title 40, Chapter 25, Sections 2 and 23, 1975 Code of Alabama.			
(4)	Vital Statistics Fund		1,553,786	
(5)	Hospital Licensing Fund		205,000	
(6)	Emergency Medical Services Fund		165,738	
	As provided in Title 22, Chapter 18, Sections 1 through 7, 1975 Code of Alabama.			
(7)	Local Health Departments		31,770,925	
(8)	Nuclear Monitoring Fund		90,000	
(9)	Miscellaneous Funds		2,849,611	
(10)	Federal Funds		35,897,290	
	Total Department of Public Health	15,532,619	75,828,864	91,361,483
51.	HEALTH PLANNING AND DEVELOPMENT AGENCY, STATE:			
(a)	Health Planning, Development and Regulation Program			1,580,548
	The appropriation to State Health Planning and Development Agency shall include a			

transfer to the State Personnel Department of $1,380.			
SOURCE OF FUNDS:			
(1) State General Fund-Transfer	235,629		
(2) Federal, Local and Miscellaneous Funds		1,344,919	
Total State Health Planning and Development Agency	235,629	1,344,919	1,580,548
52. HEARING AID DEALERS, ALABAMA BOARD OF:			
(a) Professional and Occupational Licensing and Regulation Program			9,500
SOURCE OF FUNDS:			
(1) State Board of Health - Hearing Aid Fund		9,500	
As provided in Title 34, Chapter 14, Articles 1 and 2, 1975 Code of Alabama.			
Total Alabama Board of Hearing Aid Dealers		9,500	9,500
53. HEATING AND AIR CONDITIONING CONTRACTORS, BOARD OF:			
(a) Professional and Occupational Licensing and Regulation Program			97,552
SOURCE OF FUNDS:			
(1) Heating and Air Conditioning Contractors Fund		97,552	
Total Board of Heating and Air Conditioning Contractors		97,552	97,552
54. ALABAMA HERITAGE TRUST FUND:			
(a) Alabama Heritage Trust Fund Expense Program			19,855

SOURCE OF FUNDS:			
(1) Heritage Trust Income		19,855	
Total Alabama Heritage Trust Fund		19,855	19,855

55. HIGHWAY DEPARTMENT:

(a) Central Administration Program			8,028,851
(b) Division and District Supervision Program			15,150,539
(c) Operations & Support Services Program			6,351,192
(d) Maintenance Program			77,352,133
(e) Non-Programmatic Expenditures			41,220,821
Proposed Spending Plan for the above (e) includes the following:			
Debt Service	40,855,309		
Equipment - Other than Automotive	365,512		
(f) Construction-Federal Aid Program			352,789,516
Proposed Spending Plan for the above (f) includes the following:			
Federal Aid Matching	56,036,516		
Non-Participating Work on Federal Projects	1,000,000		
Federal Aid	295,753,000		
(g) Construction-State Program			5,000,000
(h) Operations-Land and Buildings			620,000
The appropriation to the Highway Department shall include a transfer to the State Personnel Department of $230,789.			
SOURCE OF FUNDS:			
(1) State General Fund-Transfer		75,000	
(2) Public Road and Bridge Fund		210,685,052	

(3) Federal Aid 295,753,000

There is hereby appropriated, for payment of the principal of and the interest on all bonds heretofore or hereafter issued for public highways and bridge purposes, or either, by the State of Alabama, Alabama Highway Authority, Alabama Federal Aid Highway Finance Authority, or Alabama Highway Finance Corporation, a total of $40,855,309 or so much as may be necessary for payment of said principal and interest at their respective maturities, of the revenues pledged for such payment.

The Highway Director with the consent of the Governor and the Finance Director shall have the authority to transfer any appropriation or any portion thereof between and among subsections, (a), (b), (c), (d), (e), (f), (g), (h), of this section whenever such transfer shall be necessary to assure maximum utilization of Federal Matching Funds which shall become available. In the event that there shall not be sufficient funds available for payment of all appropriations hereinabove made, the following provisions shall be applicable. In the event of such insufficiency in respect of the said revenues accruing to the State Highway Department.

(1) the appropriations made for Debt Service in section (e) hereof shall be paid in

full-

(2) the appropriations from the revenues accruing to the State Highway Department that are herein made for the purposes referred to in Sections (a), (b), (c), (d), (e), (f), (g), (h) except for Debt Service, hereof shall be allocated among the purposes referred to in said Sections in such order and with such priorities as the State Highway Director shall from time to time direct. The funds appropriated in section (f) hereof, for the matching Federal funds, shall not revert at the end of the fiscal year for which such appropriations are made, but shall remain available for the purpose for which such appropriation was made. In addition to all appropriations hereinabove made there is hereby appropriated to the State Highway Department all Federal Funds accruing thereto be expended only for the purpose for which such funds are made available. Not later than ninety (90) days following the end of each fiscal year for which appropriations are made herein, the State Highway Director shall transmit to the Governor, Lieutenant Governor, and each member of the Legislature, a report stating the portions of each appropriation made herein that have been spent in each

county in the State during the fiscal year then ended.			
Total Highway Department ...	75,000	506,438,052	506,513,052
56. HISTORIC CHATTAHOOCHEE COMMISSION:			
(a) Historical Resources Management Program			132,729
SOURCE OF FUNDS:			
(1) State General Fund	79,929		
(2) Federal, Local and Miscellaneous Funds		52,800	
Total Historic Chattahoochee Commission	79,929	52,800	132,729
57. HISTORICAL COMMISSION, ALABAMA:			
(a) Historical Resources Management Program			2,229,177
(b) Historical Commission-Cahaba			200,000
The appropriation to the Alabama Historical Commission shall include a transfer to the State Personnel Department of $2,447.			
SOURCE OF FUNDS:			
(1) State General Fund-Transfer	651,586		
The State General Fund appropriation shall be distributed as follows:			
Historical Commission, Alabama 434,586			
Historical Commission, Alabama-La Grange 8,140			
Historical Commission, Alabama-Richmond P. Hobson Memorial Board 5,994			
Historical Commis-			

sion, Alabama-Fort Morgan 105,938			
Historical Commission, Alabama-Fort Toulouse 21,250			
Historical Commission, Alabama-John T. Morgan House, Selma 12,000			
(2) Federal, Local and Miscellaneous Funds		1,841,269	
Total Alabama Historical Commission	587,908	1,841,269	2,429,177
58. INDUSTRIAL RELATIONS, DEPARTMENT OF:			
(a) Skills Enhancement and Employment Opportunities Program			16,877,311
(b) Unemployment Compensation Program			15,588,016
(c) Administrative Services Program			8,130,022
(d) Industrial Safety and Accident Prevention Program			4,822,611
(e) Employment and Social Opportunities Program			362,959
The appropriation to the Department of Industrial Relations shall include a transfer to the State Personnel Department of $113,826.			
SOURCE OF FUNDS:			
(1) State General Fund	739,372		
(2) Federal, Local and Miscellaneous Funds		45,041,547	
Total Department of Industrial Relations	739,372	45,041,547	45,780,919
59. INSURANCE BOARD, STATE EMPLOYEES':			
(a) Administrative Support Services Program			71,941

The appropriation to the State Employees' Insurance Board shall include a transfer to the State Personnel Department of $126.			
SOURCE OF FUNDS:			
(1) State General Fund	71,941		
Total State Employees' Insurance Board	71,941		71,941
60. INSURANCE, DEPARTMENT OF:			
(a) Regulatory Services Program .			1,345,841
The appropriation to the Department of Insurance shall include a transfer to the State Personnel Department of $3,765.			
SOURCE OF FUNDS:			
(1) State General Fund	1,061,697		
(2) Fire Marshals' Fund		284,144	
As provided in Title 24, Chapter 5, Article 1, 1975 Code of Alabama. Any balance in excess of $50,000 at the end of the fiscal year shall be transferred to the State General Fund.			
Total Department of Insurance	**1,061,697**	**284,144**	**1,345,841**
61. INTERIOR DESIGNERS, ALABAMA STATE BOARD OF REGISTRATION FOR:			
(a) Professional and Occupational Licensing and Regulation Program			4,200
SOURCE OF FUNDS:			
(1) Interior Designers Fund ..		4,200	
Total Alabama State Board of Registration for Interior Designers		4,200	4,200

62. LABOR, DEPARTMENT OF:			
(a) Regulatory Services Program .			292,452
The appropriation to the Labor Department shall include a transfer to the State Personnel Department of $502.			
SOURCE OF FUNDS:			
(1) State General Fund	249,452		
(2) Federal, Local and Miscellaneous Funds		43,000	
Total Department of Labor ...	249,452	43,000	292,452
63. LANDSCAPE ARCHITECTS, BOARD OF EXAMINERS OF:			
(a) Professional and Occupational Licensing and Regulation Program			10,975
SOURCE OF FUNDS:			
(1) Landscape Architects Fund.....		10,975	
As provided in Title 34, Chapter 17, 1975 Code of Alabama.			
Total Board of Examiners of Landscape Architects.....		10,975	10,975
64. LIQUEFIED PETROLEUM GAS BOARD:			
(a) Regulatory Services Program .			212,000
The appropriation to the Liquefied Petroleum Gas Board shall include a transfer to the State Personnel Department of $502.			
SOURCE OF FUNDS:			
(1) Liquefied Petroleum Gas Board Fund		212,000	
Total Liquefied Petroleum Gas Board.....		212,000	212,000
65. MEDICAID AGENCY, ALABAMA:			

(a) Medical Assistance through Medicaid Program			400,922,399
Of the above appropriation to the Alabama Medicaid Agency, $1,100,000 shall be used to match federal funds to provide health care for unemployed indigents. If matching funds are not available, this appropriation shall be used for other services provided by the Alabama Medicaid Agency upon approval of the Governor.			
The appropriation to the Alabama Medicaid Agency shall include a transfer to the State Personnel Department of $13,114.			
SOURCE OF FUNDS:			
(1) State General Fund-Transfer	95,819,133		
(2) Transfer from Pensions and Security		435,000	
(3) Transfer from Mental Health		13,609,728	
(4) Federal, Local and Miscellaneous Funds		291,058,538	
Total Alabama Medicaid Agency	95,819,133	305,103,266	400,922,399

66. MENTAL HEALTH, DEPARTMENT OF:			
(a) Institutional Treatment and Care-Mental Illness Program			72,260,295
(b) Institutional Treatment and Care-Mental Retardation Program			58,294,033
(c) Institutional Treatment and Care-Criminally Insane Program			2,788,372
(d) Non-Institutional Treatment and Care-Program			12,312,541
(e) Administrative Services Program			3,774,313

(f) Community Mental Health Program 18,500,000

It is the intent of the Legislature that this appropriation be used to fund community Mental Health Programs and that none of said appropriation be shifted to any other program. The appropriation herein provided shall be for the provision of community mental illness and substance abuse programs and services operated by Mental Health/Mental Retardation Boards created pursuant to Act 310 and certified by the Department of Mental Health. In the event that no such program is certified by the Department of Mental Health in a particular catchment area, funds under this appropriation may be expended through other certified community programs in said catchment area. Of the appropriation hereinabove made to the Department of Mental Health, there shall be at least $4,700,000 expended for the treatment of rehabilitation for and education on alcohol and drug abuse. The appropriation to the Department of Mental Health shall include a transfer to the State Personnel Department of $376,617.

SOURCE OF FUNDS:

(1) Special Mental Health Trust Fund 102,885,167

For Operations and Maintenance of the State Mental Health Department including the purchase of drugs for medically indigent mental patients not hospitalized at time of receiving drugs at the Alabama State Hospitals.

(2)	Special Mental Health Trust Fund-Community Programs	13,713,215	
(3)	Transfer from ABC Profits	1,000,000	
(4)	Cigarette Tax - $.01	930,000	
(5)	Cigarette Tax - $.02	4,825,000	
(6)	Transfer from Pensions and Security-Title XX Funds-Community Programs	1,623,640	
(7)	Federal, Local and Miscellaneous Funds	42,952,532	
	Total Department of Mental Health	167,929,554	167,929,554

67. MILITARY DEPARTMENT:

(a)	Military Operations Program		4,539,172
(b)	Capital Outlay		374,500
	The appropriation to the Military Department shall include a transfer to the State Personnel Department of $9,036.		
	SOURCE OF FUNDS:		
(1)	State General Fund-Operations	1,308,849	
(2)	State General Fund-Quarterly Allowances Headquarters-Regular Allowance Units to be used solely for operating expenses; provided, that no more than $4,500 shall be allotted in any fiscal year for the Alabama National Guard Headquarters	1,139,255	
(3)	State General Fund-Transfer-Capital Outlay for Architect and Engineering Services and specifications and construction of facilities	374,500	
(4)	State General Fund-Active Military Service	161,000	
(5)	State General Fund-		

	Transfer to Armory Commission	1,925,068	
(6)	State General Fund-Dropping Allowance	5,000	
	Total Military Department	4,913,672	4,913,672

68. ARMORY COMMISSION OF ALABAMA:

(a)	Military Operations Program		3,088,943
	SOURCE OF FUNDS:		
(1)	Transfer from Military Department	1,925,068	
(2)	Federal, Local and Miscellaneous Funds	1,163,875	

The funds hereinabove appropriated to the Armory Commission shall be payable from the funds in the State Treasury to the credit of the Armory Commission and the appropriation hereinabove made includes the appropriation made for the care, maintenance, and construction of facilities.

Provided, however, that the last Federal Government service contract reimbursement shall not revert to the State General Fund. Any surplus remaining in the Armory Commission Fund at the end of the fiscal year in excess of $50,000 shall be transferred to the State General Fund.

Total Armory Commission of Alabama	3,088,943	3,088,943

69. NURSING HOME ADMINISTRATORS, BOARD OF EXAMINERS OF:

(a) Professional and Occupational Licensing and Regulation Program			40,000
The appropriation to the Board of Examiners of Nursing Home Administrators shall include a transfer to the State Personnel Department of $63.			
SOURCE OF FUNDS:			
(1) Board of Examiners of Nursing Home Administrators Fund		40,000	
As provided in Title 34, Chapter 20, 1975 Code of Alabama.			
Total Board of Examiners of Nursing Home Administrators		40,000	40,000
70. OIL AND GAS BOARD:			
(a) Management and Regulation of Oil and Gas Exploration and Development Program			1,234,643
The appropriation to the Oil and Gas Board shall include a transfer to the State Personnel Department of $3,012.			
SOURCE OF FUNDS:			
(1) State General Fund	1,226,497		
(2) Federal, Local and Miscellaneous Fund		8,146	
Total Oil and Gas Board	1,226,497	8,146	1,234,643
71. PARDONS AND PAROLES, BOARD OF:			
(a) Administration of Pardons and Paroles Program			6,831,119
The appropriation to the Board of Pardons and Paroles shall include a transfer to the State Personnel Department of $15,248.			
SOURCE OF FUNDS:			
(1) State General Fund	5,388,321		

(2) Probationers Upkeep Fund		1,350,060	
(3) Federal, Local and Miscellaneous Funds		92,738	
Total Board of Pardons and Paroles	5,388,321	1,442,798	6,831,119
72. PEACE OFFICERS' ANNUITY AND BENEFIT FUND, ALABAMA:			
(a) Retirement Systems Program			203,664
The appropriation to the Alabama Peace Officers' annuity and Benefit Fund shall include a transfer to the State Personnel Department of $251.			
SOURCE OF FUNDS:			
(1) Peace Officers' Annuity and Benefit Fund as provided in Title 36, Chapter 21, Article 4, 1975 Code of Alabama		203,664	
Total Alabama Peace Officers' Annuity and Benefit Fund		203,664	203,664
73. PENSIONS AND SECURITY, DEPARTMENT OF:			
(a) Economic Assistance Program			165,558,816
(b) Social Services Program			69,134,437
The appropriation to the Department of Pensions and Security shall include a transfer to the State Personnel Department of $253,065.			
SOURCE OF FUNDS:			
(1) Federal, Local and Miscellaneous Funds		151,132,549	
(2) ABC Profits		1,965,000	
(3) Whiskey Tax		21,000,000	
(4) Beer Tax		7,740,000	
(5) Pension Residue		12,500,000	
(6) Sales Tax		1,322,000	

(7) Franchise Tax	11,000,000	
(8) Contracts, Service Fees	150,000	
(9) Child Support Collections	2,840,064	
(10) Sales Tax for Food Stamps	16,000,000	
(11) Cigarette Tax	4,420,000	
(12) Contractor's Gross Receipts Tax	3,000,000	
(13) Title XX Funds-Transfer to Mental Health	1,623,640	
Total Department of Pensions and Security	234,693,253	234,693,253

74. PERSONNEL DEPARTMENT, STATE:

(a) Administrative Support Program		1,830,727
SOURCE OF FUNDS:		
(1) Transfer from Department of Aeronautics	314	
(2) Transfer from Commission on Aging	1,004	
(3) Transfer from Agriculture and Industries	28,551	
(4) Transfer from Agricultural Center Board	753	
(5) Transfer from Alcoholic Beverage Control Board	64,694	
(6) Transfer from Board of Registration for Architects	126	
(7) Transfer from Archives and History	2,886	
(8) Transfer from the Council on Arts and Humanities	627	
(9) Transfer from the Office of the Attorney General	9,350	
(10) Transfer from the State Auditor	1,569	
(11) Transfer from State Banking Department	3,075	
(12) Transfer from Finance-Alabama Building Authority	1,945	

(13) Transfer from Finance-Alabama Building Finance Authority	1,694
(14) Transfer from Building Commission	1,192
(15) Transfer from Civil Air Patrol	63
(16) Transfer from Civil Defense Department	2,008
(17) Transfer from Local Civil Defense	725
(18) Transfer from Conservation Department	40,975
(19) Transfer from State Licensing Board for General Contractors	377
(20) Transfer from Department of Corrections	99,268
(21) Transfer from Board of Cosmetology	565
(22) Transfer from Criminal Justice Information Center	3,137
(23) Transfer from Alabama Development Office	2,133
(24) Transfer from State Docks	37,210
(25) Transfer from Education	80,255
(26) Transfer from the Department of Economic and Community Affairs	12,612
(27) Transfer from Board of Registration for Professional Engineers and Land Surveyors	251
(28) Transfer from Ethics Commission	502
(29) Transfer from Examiners of Public Accounts	8,220
(30) Transfer from Farmer's Market Authority	188
(31) Transfer from Finance Department	32,943
(32) Transfer from Firefighters Personnel Standards and Education Commission	188

(33) Transfer from Foreign Trade Commission	126
(34) Transfer from Department of Forensic Sciences	4,769
(35) Transfer from Forestry Commission	26,794
(36) Transfer from Geological Survey	3,828
(37) Transfer from Governor's Office	3,263
(38) Transfer from Department of Public Health	113,764
(39) Transfer from State Health Planning and Development Agency	1,380
(40) Transfer from Highway Department	230,789
(41) Transfer from Alabama Historical Commission	2,447
(42) Transfer from Industrial Relations	113,826
(43) Transfer from Insurance Department	3,765
(44) Transfer from State Employees' Insurance Board	126
(45) Transfer from Department of Labor	502
(46) Transfer from Legislative Reference Service	502
(47) Transfer from Liquefied Petroleum Gas Board	502
(48) Transfer from Alabama Medicaid Agency	13,114
(49) Transfer from Department of Mental Health	376,617
(50) Transfer from Military Department	9,036
(51) Transfer from Board of Nursing	816
(52) Transfer from Examiners of Nursing Home Administrators	63
(53) Transfer from Oil and Gas Board	3,012

(54) Transfer from Pardons and Paroles	15,248
(55) Transfer from Peace Officers' Annuity and Benefits Fund	251
(56) Transfer from Peace Officers' Standards and Training Commission	188
(57) Transfer from Department of Pensions and Security	253,065
(58) Transfer from Physical Fitness Commission	251
(59) Transfer from Board of Physical Therapy	63
(60) Transfer from Public Library Service	3,765
(61) Transfer from Department of Public Safety	74,294
(62) Transfer from Public Service Commission	7,781
(63) Transfer from Publicity and Information	3,514
(64) Transfer from Alabama Public Television Network	5,271
(65) Transfer from Real Estate Commission	941
(66) Transfer from Retirement Systems	6,024
(67) Transfer from Department of Revenue	62,372
(68) Transfer from Secretary of State	1,694
(69) Transfer from Securities Commission	1,318
(70) Transfer from Board of Social Work Examiners	63
(71) Transfer from Soil and Water Conservation Committee	314
(72) Transfer from Surface Mining Reclamation Commission	2,949
(73) Transfer from State Treasurer	2,698

(74) Transfer from Department of Veterans Affairs	7,404	
(75) Transfer from Department of Youth Services	21,209	
(76) Transfer from Environmental Management	11,609	
Total State Personnel Department	1,830,727	1,830,727

75. PHYSICAL THERAPY, BOARD OF:

(a) Professional and Occupational Licensing and Regulation Program		39,918
The appropriation to the Board of Physical Therapy shall include a transfer to the State Personnel Department of $63.		
SOURCE OF FUNDS:		
(1) Physical Therapy Fund ..	39,918	
As provided in Title 34, Chapter 24, Article 5, 1975 Code of Alabama.		
Total Board of Physical Therapy	39,918	39,918

76. POLYGRAPH EXAMINERS BOARD OF:

(a) Professional and Occupational Licensing and Regulation Program		13,400
SOURCE OF FUNDS:		
(1) Board of Polygraph Examiners Fund	13,400	
As provided in Title 34, Chapter 25, Section 5, 1975 Code of Alabama as amended.		
Total Board of Polygraph Examiners	13,400	13,400

77. PROSECUTION SERVICES, OFFICE OF:		
(a) Prosecution, Training, Education and Management Program		506,817
SOURCE OF FUNDS:		
(1) Office of Prosecution Services Fund	506,817	
Total Office of Prosecution Services	506,817	506,817
78. PSYCHOLOGY, ALABAMA BOARD OF EXAMINERS IN:		
(a) Professional and Occupational Licensing and Regulation Program		24,970
SOURCE OF FUNDS:		
(1) Board of Examiners in Psychology Fund	24,970	
As provided in Title 34, Chapter 26, 1975 Code of Alabama.		
Total Alabama Board of Examiners in Psychology	24,970	24,970
79. PUBLIC SAFETY, DEPARTMENT OF		
(a) Traffic Control and Accident Prevention Program		18,301,344
(b) Criminal Investigation Program		3,915,914
(c) Driver's Licensing and Improvement Program		7,313,229
(d) Public Safety Support Services Program		5,495,399
(e) Administrative Services Program		1,820,223
(f) Alabama Criminal Justice Training Center Program		1,089,983
The appropriation to the Department of Public Safety shall include a transfer to the State Personnel Department of $74,294.		

SOURCE OF FUNDS:		
(1) State General Fund	37,936,092	
Total Department of Public Safety	37,936,092	37,936,092

80. PUBLIC SERVICE COMMISSION:

(a) Administrative Services Program		1,333,806
(b) Regulatory Program		3,703,911
The appropriation to the Public Service Commission shall include a transfer to the State Personnel Department of $7,781.		
SOURCE OF FUNDS:		
(1) Public Service Commission Fund	4,866,282	
The above appropriation to the Alabama Public Service Commission shall be payable only from inspection and supervision fees paid by utilities and transportation companies and such parts or percentage of fees and taxes paid by motor carrier or motor transportation companies as are now or may be set aside by law to be used by the Commission. Any surplus remaining in the Alabama Public Service Commission Fund at the end of the fiscal year in excess of $800,000 shall be transferred to the State General Fund.		
(2) Federal Funds	171,435	
Total Public Service Commission	5,037,717	5,037,717

81. PUBLICITY AND INFORMATION, BUREAU OF:

(a) Tourism and Travel Promotion Program			2,441,867
The appropriation to the Bureau of Publicity and Information shall include a transfer to the State Personnel Department of $3,514.			
SOURCE OF FUNDS:			
(1) State General Fund-Transfer	478,565		
(2) Lodgings Tax ($.01)		1,963,302	
Receipts collected under the provisions of Title 40, Chapter 26, 1975 Code of Alabama.			
Total Bureau of Publicity and Information	478,565	1,963,302	2,441,867
82. REAL ESTATE COMMISSION, ALABAMA:			
(a) Professional and Occupational Licensing and Regulation Program			605,428
The appropriation to the Alabama Real Estate Commission shall include a transfer to the State Personnel Department of $941.			
SOURCE OF FUNDS:			
(1) Alabama Real Estate Commission Fund-as provided in Title 34, Chapter 27, 1975 Code of Alabama, as amended and the total expenditures shall in no manner exceed the amounts hereby appropriated		605,428	
Total Alabama Real Estate Commission		605,428	605,428
83. REVENUE DEPARTMENT:			
(a) State Revenue Administration Program			33,508,572

The appropriation to the Revenue Department shall include a transfer to the State Personnel Department of $62,372.

SOURCE OF FUNDS:

(1)	State General Fund-Transfer as provided in Title 40, Chapter 7, Article 2, Division 1, 1975 Code of Alabama, to maintain a program for the equalization of ad valorem tax assessments	250,000
(2)	Transfer from the gross proceeds of Cigarette Tax Collections, Title 40, Chapter 25, Section 2 and 23, 1975 Code of Alabama	454,734
(3)	Transfer from the gross proceeds of Financial Institution Excise Tax Collections	351,661
(4)	Transfer from the gross proceeds of the Forest Severance Tax Collections	206,146
(5)	Transfer from the gross proceeds of Gasoline Tax Collections	2,352,490
(6)	Transfer from the Income Tax Collections	7,842,644
(7)	Transfer from the gross proceeds of Motor Fuel Tax Collections	1,305,140
(8)	Transfer from the gross proceeds of Motor Vehicle License Collections	1,373,297
(9)	Transfer from the Pension Fund as part of the cost of collections of the 1-Mill Ad Valorem Tax	421,387
(10)	Transfer from the Public School Fund as part of the cost of collections of the 3-Mill Ad Valorem Tax	1,036,793
(11)	Transfer from the gross proceeds of Sales Tax Collections	10,934,834

(12) Transfer from the gross proceeds of the Tobacco Tax Collections		2,234,260	
(13) Transfer from the gross proceeds of Use Tax Collections		1,067,108	
(14) Transfer from the gross proceeds of the Utility Tax Collections-as provided in Title 40, Chapter 21, 1975 Code of Alabama		700,290	
(15) Local Funds		2,924,788	
The amounts hereinabove appropriated for the cost of maintenance and operations of the Department of Revenue are in lieu of any other statutory provisions for the payment of the cost of operating said Department or collections of the taxes as authorized by law.			
Provided, however, in addition to the amount hereinabove appropriated, there is hereby appropriated to the Department of Revenue all sums allowed the Department of Revenue by local Acts of the Legislature as a charge for the collection of taxes or licenses.			
Total Revenue Department	250,000	33,258,572	33,508,572
84. REVENUE - BOARDS OF EQUALIZATION:			
(a) State Revenue Administration Program			115,741
SOURCE OF FUNDS:			
(1) State General Fund	115,741		
Total Revenue-Boards of Equalization	115,741		115,741

85. REVENUE - MOTOR VEHICLE LICENSE:			
(a) State Revenue Administration Program			2,252,460
SOURCE OF FUNDS:			
(1) Transfer from the gross proceeds of Motor Vehicle License Collections for the purchase only of Motor Vehicle License Tags		2,252,460	
Total Revenue-Motor Vehicle License		2,252,460	2,252,460
86. SECRETARY OF STATE:			
(a) Administrative Support Services Program			674,952
The appropriation to the Secretary of State shall include a transfer to the State Personnel Department of $1,694.			
SOURCE OF FUNDS:			
(1) State General Fund	674,952		
Total Secretary of State	674,952		674,952
87. SECURITIES COMMISSION:			
(a) Regulatory Services Program			695,343
The appropriation to the Securities Commission shall include a transfer to the State Personnel Department of $1,318.			
SOURCE OF FUNDS:			
(1) State General Fund	406,518		
(2) Industrial Development Bond Notification Fund		139,678	
(3) Sales of Checks License Fund		8,000	
(4) Exemption Fund		141,147	
Total Securities Commission	406,518	288,825	695,343
88. SOCIAL WORK EXAMINERS,			

ALABAMA STATE BOARD OF:		
(a) Professional and Occupational Licensing and Regulation Program		50,000
The appropriation to the Alabama State Board of Social Work Examiners shall include a transfer to the State Personnel Department of $63.		
SOURCE OF FUNDS:		
(1) Alabama State Board of Social Work Examiners Fund-as provided in Title 34, Chapter 30, 1975 Code of Alabama	50,000	
Total Alabama State Board of Social Work Examiners	50,000	50,000
89. SOIL AND WATER CONSERVATION COMMITTEE, ALABAMA STATE:		
(a) Water Resources Development Program		739,702
The appropriation to Soil and Water Conservation Committee shall include a transfer to the State Personnel Department of $314.		
SOURCE OF FUNDS:		
(1) State General Fund	739,702	
Total Alabama State Soil and Water Conservation Committee	739,702	739,702
90. SOUTHERN GROWTH POLICIES BOARD:		
(a) Special Services Program		21,505
SOURCE OF FUNDS:		
(a) State General Fund	21,505	
Total Southern Growth Policies Board	21,505	21,505

91. SPACE SCIENCE EXHIBIT COMMISSION, ALABAMA:			
(a) Tourism and Travel Promotion Program			302,600
SOURCE OF FUNDS:			
(a) State General Fund-Capital Outlay	302,600		
Total Alabama Space Science Exhibit Commission	302,600		302,600
92. SPEECH PATHOLOGY AND AUDIOLOGY, ALABAMA BOARD OF EXAMINERS FOR:			
(a) Professional and Occupational Licensing and Regulation Program			17,600
SOURCE OF FUNDS:			
(a) Alabama Board of Examiners for Speech Pathology and Audiology Fund-as provided in Title 34, Chapter 28A, 1975 Code of Alabama		17,600	
Total Alabama Board of Examiners for Speech Pathology and Audiology		17,600	17,600
93. SPORTS HALL OF FAME:			
(a) Historical Resources Management Program			70,000
SOURCE OF FUNDS:			
(a) State General Fund	70,000		
Total Sports Hall of Fame	70,000		70,000
94. SURFACE MINING RECLAMATION COMMISSION:			
(a) Industrial Safety and Accident Prevention Program			5,864,400
The appropriation to the Surface Mining Reclamation Commission shall include a transfer to the State Personnel Depart-			

ment of $2,949.

SOURCE OF FUNDS:			
(a) Surface Mining Reclamation Commission Fund-as provided by Title 9, Chapter 16, Article 2, 1975 Code of Alabama. All fees and charges, grants, gifts, fines, bond forfeitures or other monies received under the above act, in addition to the appropriation herein made, are appropriated to the Surface Mining Reclamation Commission		5,864,400	
Total Surface Mining Reclamation Commission		5,864,400	5,864,400
95. TANNEHILL HISTORICAL STATE PARK:			
(a) Historical Resources Management Program			562,500
SOURCE OF FUNDS:			
(1) State General Fund	212,500		
(2) Federal, Local and Miscellaneous Funds		350,000	
Total Tannehill Historical State Park	212,500	350,000	562,500
96. TENNESSEE-TOMBIGEE WATERWAY DEVELOPMENT AUTHORITY:			
(a) Water Resource Development Program			473,523
SOURCE OF FUNDS:			
(1) State General Fund	140,250		
As provided in Title 33, Chapter 8, 1975 Code of Alabama as amended.			
(2) Federal, Local and Miscellaneous Funds		333,273	
Total Tennessee-Tombigbee			

Waterway Development Authority	140,250	333,273	473,523

97. TREASURER, STATE:

(a) Fiscal Management Program			1,311,960
The appropriation to the State Treasurer shall include a transfer to the State Personnel Department of $2,698.			
SOURCE OF FUNDS:			
(1) State General Fund	1,311,960		
Total State Treasurer	1,311,960		1,311,960

98. UNIFORM STATE LAWS, COMMISSION ON:

(a) Special Services Program, Estimated			3,525
SOURCE OF FUNDS:			
(a) State General Fund	3,525		
As Provided in Title 41, Chapter 9, Article 12, 1975 Code of Alabama.			
Total Commission on Uniform State Laws, Estimated	3,525		3,525

99. VETERANS AFFAIRS, DEPARTMENT OF:

(a) Administration of Veterans Affairs Program			2,331,599
(b) Veteran's Home Study			60,000
The appropriation to the Department of Veterans Affairs shall include a transfer to the State Personnel Department of $7,404.			
SOURCE OF FUNDS:			
(a) State General Fund	2,391,599		
Total Department of Veterans Affairs	2,391,599		2,391,599

100. VETERINARY MEDICAL

EXAMINERS, ALABAMA STATE BOARD OF:			
(a) Professional and Occupational Licensing and Regulation Program			40,000
SOURCE OF FUNDS:			
(a) State Board of Veterinary Medical Examiners Fund. As provided in Title 34, Chapter 29, 1975 Code of Alabama.		40,000	
Total Alabama State Board of Veterinary Medical Examiners		40,000	40,000
101. WOMEN'S COMMISSION, ALABAMA:			
(a) Employment and Social Opportunities Program			7,650
SOURCE OF FUNDS:			
(1) State General Fund	7,650		
Total Alabama Women's Commission	7,650		7,650
102. WOMEN'S HALL OF FAME, ALABAMA:			
(a) Historical Resources Management Program			10,200
SOURCE OF FUNDS:			
(1) State General Fund	10,200		
Total Alabama Women's Hall of Fame	10,200		10,200
103. LIBRARY SERVICE, ALABAMA PUBLIC:			
(a) Public Library Service Program			100,000
SOURCE OF FUNDS:			
(a) State General Fund	100,000		
Total Alabama Public Library Service	100,000		100,000

D. OTHER FUNCTIONS OF GOVERNMENT FUNDED FROM THE STATE GENERAL FUND:		
1. ADVERTISING LANDS FOR TAX SALE:		
(a) State Revenue Administration Program, Estimated		70,000
SOURCE OF FUNDS:		
(a) State General Fund	70,000	
Total Advertising Lands for Tax Sale	70,000	70,000
2. ARREST OF ABSCONDING FELONS:		
(a) Criminal Investigation Program, Estimated		65,000
SOURCE OF FUNDS:		
(1) State General Fund	65,000	
Total Arrest of Absconding Felons	65,000	65,000
3. AUTOMATIC APPEAL EXPENSE:		
(a) Legal Advice and Legal Service Program, Estimated		250
SOURCE OF FUNDS:		
(1) State General Fund	250	
As provided in Title 12, Chapter 22, Sections 150 and 241, 1975 Code of Alabama.		
Total Automatic Appeal Expense	250	250
4. CIVIL COURT COSTS IN CONNECTION WITH AD VALOREM TAX ASSESSMENTS APPEALS:		
(a) State Revenue Administration Program, Estimated		200

SOURCE OF FUNDS:		
(1) State General Fund	200	
Total Civil Court Costs in Connection with Ad Valorem Tax Assessments Appeals	200	200
5. DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES-NATIONAL CEMENTERY:		112,000
For the acquisition of land in accordance with P.L. 88-578 (Land and Water Conservation Fund Act). Property will be exchanged for space for National Cemetery.		
SOURCE OF FUNDS:		
(1) State General Fund	112,000	
Total Department of Conservation and Natural Resources-National Cemetery .	112,000	112,000
6. CONSUMER UTILITY RATE HEARING:		
(a) Executive Direction Program .		250,000
SOURCE OF FUNDS:		
(1) State General Fund	250,000	
As provided in Title 37, Chapter 1, Article 1, 1975 Code of Alabama.		
Total Consumer Utility Rate Hearing	250,000	250,000
7. COURT COSTS-ACT NO. 558, 1957:		
(a) Court Operations Program, Estimated		100
SOURCE OF FUNDS:		
(1) State General Fund	100	
Pursuant to Act No. 558, 1957, page 777.		

Total Court Costs-Act No. 558, 1957	100	100

8. COURT-ASSESSED COST NOT OTHERWISE PROVIDED FOR:

(a) Cost Assessed by State Courts Only Program, Estimated		731,685
It is the intent of the Legislature that this appropriation be extended only for costs assessed by state courts.		
SOURCE OF FUNDS:		
(a) State General Fund	731,685	
Total Court-Assessed Cost Not Otherwise Provided For	731,685	731,685

9. DISTRIBUTION OF PUBLIC DOCUMENTS:

(a) Administrative Support Service Program, Estimated		45,000
SOURCE OF FUNDS:		
(1) State General Fund	45,000	
Total Distribution of Public Documents	45,000	45,000

10. ELECTION EXPENSES:

(a) Special Services Program, Estimated		1,410,000
SOURCE OF FUNDS:		
(1) State General Fund	1,410,000	
Total Election Expenses	1,410,000	1,410,000

11. EMERGENCY FUND, DEPARTMENTAL:

(a) Special Services Program		495,000
SOURCE OF FUNDS:		
(1) State General Fund	495,000	
(This is the appropriation contemplated in Title 41, Chapter 4, Section 94,		

1975 Code of Alabama, and shall be the only amount appropriated and the total amount expended under the provisions of said section.)		
Total Departmental Emergency Fund	495,000	495,000
12. FEEDING OF PRISONERS:		
(a) Institutional Services-Corrections Program, Estimated		3,500,000
SOURCE OF FUNDS:		
(a) State General Fund	3,500,000	
For expenses of feeding prisioners in county jails		
Total Feeding of Prisioners	3,500,000	3,500,000
13. DEPARTMENT OF FINANCE-CAPITOL MOVING EXPENSES, ESTIMATED:		1,800,000
To be utilized to move all occupants in the State Capitol Building		
SOURCE OF FUNDS:		
(1) State General Fund	1,800,000	
Total Department of Finance-Capitol Moving Expenses, Estimated	1,800,000	1,800,000
14. DEPARTMENT OF FINANCE-FEMA, ESTIMATED:		1,000,000
Payments of the State's share of Administration costs and matching grants furnished by the Federal Emergency Management Agency		
SOURCE OF FUNDS:		
(1) State General Fund	1,000,000	
Total Department of Finance-FEMA, Estimated	1,000,000	1,000,000

15. DEPARTMENT OF FINANCE-TELEPHONE REVOLVING FUND:		400,000
SOURCE OF FUNDS:		
(1) State General Fund	400,000	
Total Department of Finance-Telephone Revolving Fund	400,000	400,000
16. FOREST FIRE FUND, EMERGENCY:		
(a) Forest Resource Protection Program		180,000
SOURCE OF FUNDS:		
(1) State General Fund-Transfer- As provided by Title 9, Chapter 30, Section 10, 1975 Code of Alabama	180,000	
Total Emergency Forest Fire Fund	180,000	180,000
17. GOVERNORS' CONFERENCE, NATIONAL:		
(a) Executive Direction Program		75,550
SOURCE OF FUNDS:		
(1) State General Fund	75,550	
Total National Governors' Conference	75,550	75,550
18. GOVERNOR'S COUNCILLOR:		
(a) Executive Direction Program		19,700
SOURCE OF FUNDS:		
(1) State General Fund	19,700	
As provided in Title 36, Chapter 13, Section 13, 1975 Code of Ala.		
Total Governor's Councillor	19,700	19,700
19. GOVERNOR'S PROCLAMATION EXPENSES:		

(a) Executive Direction Program, Estimated		150,000
SOURCE OF FUNDS:		
(1) State General Fund	150,000	
Total Governor's Proclamation Expenses	150,000	150,000
20. GOVERNOR'S WIDOWS RETIREMENT:		
(a) Executive Direction Program		14,400
SOURCE OF FUNDS:		
(1) State General Fund	14,400	
Total Governor's Widows Retirement	14,400	14,400
21. INTERPRETER'S ACCOUNT:		
(a) Court Support Services Program, Estimated		1,700
SOURCE OF FUNDS:		
(1) State General Fund	1,700	
As provided in Title 12, Chapter 21, Sections 131-134, 1975 Code of Alabama.		
Total Interpreter's Account	1,700	1,700
22. LAW ENFORCEMENT FUND:		
(a) Criminal Investigation Program		100
SOURCE OF FUNDS:		
(1) State General Fund-Transfer	100	
Total Law Enforcement Fund	100	100
23. LAW ENFORCEMENT LEGAL DEFENSE:		
(a) Legal Advice and Legal Services Program		3,000

SOURCE OF FUNDS:		
(1) State General Fund	3,000	
To carry out provisions of Title 36, Chapter 21, Section 1, 1975 Code of Alabama.		
Total Law Enforcement Legal Defense	3,000	3,000
24. MAILING TAX NOTICES:		
(a) State Revenue Administration Program, Estimated		100
SOURCE OF FUNDS:		
(1) State General Fund	100	
Total Mailing Tax Notices	100	100
25. MENTAL HEALTH TRUST FUND, ALABAMA SPECIAL:.....		35,500,000
SOURCE OF FUNDS:		
(1) State General Fund-Transfer	35,500,000	
Total Alabama Special Mental Health Trust Fund.....	35,500,000	35,500,000
26. POLICEMAN'S SURVIVOR TUITION ACT:		
(a) Support of Other Educational Activities Program, Estimated		5,000
SOURCE OF FUNDS:		
(1) State General Fund	5,000	
Total Policeman's Survivor Tuition Act	5,000	5,000
27. PRESIDENTIAL ELECTORAL EXPENSE:		
(a) Administration of Public Documents Program, Estimated ...		1,000
SOURCE OF FUNDS:		
(1) State General Fund	1,000	

Total Presidential Electoral Expense	1,000	1,000

28. PRINTING OF CODE SUPPLEMENT-LEGISLATIVE REFERENCE SERVICE:

(a) Administration of Public Documents Program, Estimated		350,000
SOURCE OF FUNDS: (1) State General Fund	350,000	
Total Printing of Code Supplement-Legislative Reference Service	350,000	350,000

29. PRINTING CODES AND SUPPLEMENTS-SECRETARY OF STATE:

(a) Administration of Public Documents Program, Estimated		150,000
SOURCE OF FUNDS: (1) State General Fund	150,000	
Total Printing Codes and Supplements-Secretary of State	150,000	150,000

30. PRINTING OF LEGISLATIVE ACTS AND JOURNALS:

(a) Administrative Support Services Program, Estimated		410,000
SOURCE OF FUNDS: (1) State General Fund	410,000	
Total Printing of Legislative Acts and Journals	410,000	410,000

31. PRINTING OF STATE AND COUNTY PRIVILEGE LICENSES:

(a) State Revenue Administration Program, Estimated		25,000

SOURCE OF FUNDS:		
(1) State General Fund	25,000	
Total Printing of State and County Privilege Licenses.....	25,000	25,000

32. PUBLIC DEFENDER:

(a) Court Operations Program, Estimated		55,000
SOURCE OF FUNDS:		
(1) State General Fund	55,000	
For salary of Public Defender for the 21st Judicial Circuit, as provided by Title 15, Chapter 12, Section 43, 1975 Code of Alabama.		
Total Public Defender.....	55,000	55,000

33. REGISTRATION OF VOTERS:

(a) Special Services Program, Estimated		1,000,000
SOURCE OF FUNDS:		
(1) State General Fund	1,000,000	
Total Registration of Voters ..	1,000,000	1,000,000

34. REMOVAL OF PRISONERS:

(a) **Administrative Services and** Logistical Support Program, Estimated.....		200,000
SOURCE OF FUNDS:		
(1) State General Fund	200,000	
Total Removal of Prisoners ...	200,000	200,000

35. SOCIAL SECURITY-COUNTY JUDICIAL:

(a) Fringe Benefit Program, Estimated		300,000
SOURCE OF FUNDS:		
(1) State General Fund	300,000	

Total Social Security-County Judicial	300,000		400,000
36. STATE GENERAL FUND, ESTIMATED:			66,680,284
SOURCE OF FUNDS:			
(1) Heritage Trust Income Fund Transfer. All income other than income realized on sale of Trust Fund assets and not otherwise appropriated herein.			
Estimated		66,680,284	
Total State General Fund, Estimated		66,680,284	66,680,284
37. STATE TREASURER-PREVIOUS YEAR'S UNPAID WARRANTS:			
(a) Special Services Program, Estimated			250,000
SOURCE OF FUNDS:			
(1) State General Fund	250,000		
Total State Treasurer-Previous Year's Unpaid Warrants	250,000		250,000
38. RECREATION CAPITAL DEVELOPMENT FUND, ALABAMA:			138,000
SOURCE OF FUNDS:			
(1) State General Fund-Transfer	138,000		
Total Alabama Recreation Capital Development Fund	138,000		138,000
E. FINANCIAL ASSISTANCE TO NON-STATE AGENCIES:			
1. ANNISTON SUBREGIONAL LIBRARY FOR THE BLIND AND PHYSICALLY HANDICAPPED:			
(a) Public Library Services Program			4,500

SOURCE OF FUNDS:		
(1) State General Fund	4,500	
Total Anniston Subregional Library for the Blind and Physically Handicapped	4,500	4,500
2. APPALACHIAN REGIONAL COMMISSION:		
(a) Planning Program		189,970
SOURCE OF FUNDS:		
(a) State General Fund	189,970	
Total Appalachian Regional Commission	189,970	189,970
3. ARMED FORCES DAY IN ALABAMA:		
(a) Historical Resources Management Program		836
SOURCE OF FUNDS:		
(1) State General Fund	836	
Total Armed Forces Day in Alabama	836	836
4. ARMY AVIATION MUSEUM, FORT RUCKER, AL:		
(a) Historical Resources Management Program		75,000
SOURCE OF FUNDS:		
(a) State General Fund	75,000	
Total Army Aviation Museum, Fort Rucker, AL	75,000	75,000
5. ARTS HALL OF FAME, ALABAMA:		
(a) Fine Arts Program		4,500
SOURCE OF FUNDS:		
(1) State General Fund	4,500	

Total Alabama Arts Hall of Fame	4,500	4,500

6. AZALEA TRAIL FESTIVAL, MOBILE:

(a) Tourism and Travel Promotion Program		1,556
SOURCE OF FUNDS:		
(1) State General Fund	1,556	
Total Mobile Azalea Trail Festival	1,556	1,556

7. BIG NANCE CREEK WATER MANAGEMENT DISTRICT:

(a) Water Resource Development Program		1,400
SOURCE OF FUNDS:		
(1) State General Fund	1,400	
Total Big Nance Creek Water Management District	1,400	1,400

8. BIRMINGHAM CHAMBER MUSIC SOCIETY:

(a) Fine Arts Program		1,556
SOURCE OF FUNDS:		
(a) State General Fund	1,556	
Total Birmingham Chamber Music Society	1,556	1,556

9. BIRMINGHAM FESTIVAL OF ARTS, INC.:

(a) Fine Arts Program		15,230
SOURCE OF FUNDS:		
(1) State General Fund	15,230	
Total Birmingham Festival of Arts, Inc.	15,230	15,230

10. BIRMINGHAM INTERNATIONAL

EDUCATIONAL FILM FESTIVAL:		
(a) Fine Arts Program		7,500
SOURCE OF FUNDS:		
(1) State General Fund	7,500	
Total Birmingham International Educational Film Festival	7,500	7,500
11. BLUE AND GRAY ASSOCIATION, INC.:		
(a) Tourism and Travel Promotion Program		5,602
SOURCE OF FUNDS:		
(1) State General Fund	5,602	
Total Blue and Gray Association, Inc.	5,602	5,602
12. CHILTON COUNTY PEACH FESTIVAL:		
(a) Tourism and Travel Promotion Program		11,250
SOURCE OF FUNDS:		
(1) State General Fund	11,250	
Total Chilton County Peach Festival	11,250	11,250
13. CHOCCOLOCCO CREEK WATERSHED ASSOCIATION:		
(a) Water Resource Development Program		2,183
SOURCE OF FUNDS:		
(1) State General Fund	2,183	
Total Choccolocco Creek Watershed Association	2,183	2,183
14. CIVIL AIR PATROL:		
(a) Readiness and Recovery Program		40,000

SOURCE OF FUNDS:		
(1) State General Fund	40,000	
Total Civil Air Patrol	40,000	40,000
15. COOSA-ALABAMA RIVER IMPROVEMENT ASSOCIATION:		
(a) Water Resource Development Program		7,784
SOURCE OF FUNDS:		
(1) State General Fund	7,784	
Total Coosa-Alabama River Improvement Association	7,784	7,784
16. COOSA RIVER ACTION COUNCIL, INC.:		
(a) Water Resource Development Program		6,221
SOURCE OF FUNDS:		
(1) State General Fund	6,221	
Total Coosa River Action Council, Inc.....	6,221	6,221
17. DEEP SEA FISHING RODEO, ALABAMA:		
(a) Tourism and Travel Promotion Program		935
SOURCE OF FUNDS:		
(1) State General Fund	935	
Total Alabama Deep Sea Fishing Rodeo	935	935
18. DORSE, MARY E., RECREATIONAL AND EDUCATIONAL CENTER:		
(a) Special Services Proram		3,638
SOURCE OF FUNDS:		
(1) State General Fund	3,638	
Total Mary E. Dorse		

Recreational and Educational Center	3,638	3,638
19. DYNNE CREEK WATERSHED CONSERVANCY DISTRICT:		
(a) Water Resource Development Program		1,400
SOURCE OF FUNDS:		
(1) State General Fund	1,400	
Total Dynne Creek Watershed Conservancy District	1,400	1,400
20. EAST ALABAMA CHILD DEVELOPMENT PROGRAM:		
(a) Financial Assistance Program		800,000
SOURCE OF FUNDS:		
(1) State General Fund	800,000	
Total East Alabama Child Development Program	800,000	800,000
21. ELK RIVER DEVELOPMENT AGENCY:		
(a) Water Resource Development Program		4,656
SOURCE OF FUNDS:		
(1) State General Fund	4,656	
Total Elk River Development Agency	4,656	4,656
22. ENERGY BOARD, SOUTHERN STATES:		
(a) Discovery and Development of Mineral, Energy and Water Resources, Geologic Research and Topographic Mapping Program		20,536
SOURCE OF FUNDS:		
(1) State General Fund	20,536	

Total Southern States Energy Board	20,536	20,536

23. FOREST FESTIVAL, ALABAMA:

(a) Forest Information and Education Program		4,610
SOURCE OF FUNDS:		
(1) State General Fund	4,610	
Total Alabama Forest Festival	4,610	4,610

24. GULF SHORES TOURIST ASSOCIATION:

(a) Tourism and Travel Promotion Program		8,398
SOURCE OF FUNDS:		
(1) State General Fund	8,398	
Total Gulf Shores Tourist Association	8,398	8,398

25. GUNTERSVILLE BOAT RACES:

(a) Tourism and Travel Promotion Program		11,068
SOURCE OF FUNDS:		
(1) State General Fund	11,068	
Total Guntersville Boat Races.	11,068	11,068

26. HANK WILLIAMS MEMORIAL ASSOCIATION-GREENVILLE:

(a) Historical Resources Management Program		2,000
SOURCE OF FUNDS:		
(1) State General Fund	2,000	
Total Hank Williams Memorial Association-Greenville	2,000	2,000

27. HANK WILLIAMS MEMORIAL ASSOCIATION-GEORGIANA:

(a) Historical Resources Management Program		2,000
SOURCE OF FUNDS:		
(1) State General Fund	2,000	
Total Hank Williams Memorial Association-Georgiana	2,000	2,000
28. HELEN KELLER PROPERTY BOARD:		
(a) Historical Resources Management Program		30,000
SOURCE OF FUNDS:		
(1) State General Fund	30,000	
Total Helen Keller Property Board	30,000	30,000
29. INTERSTATE MINING COMMISSION:		
(a) Planning Program		8,838
SOURCE OF FUNDS:		
(1) State General Fund	8,838	
Total Interstate Mining Commission	8,838	8,838
30. JUNIOR MISS PAGEANT, INC., AMERICA'S:		
(a) Tourism and Travel Promotion Program		40,000
SOURCE OF FUNDS:		
(1) State General Fund	40,000	
Total America's Junior Miss Pageant, Inc.	40,000	40,000
31. JUNIOR MISS PAGEANT, INC., ALABAMA'S:		
(a) Tourism and Travel Promotion Program		10,000

SOURCE OF FUNDS:		
(1) State General Fund	10,000	
Total Alabama's Junior Miss Pageant, Inc.	10,000	10,000

32. KETCHEPEDRAKEE CREEK WATERSHED CONSERVANCY DISTRICT:

(a) Water Resource Development Program		1,400
SOURCE OF FUNDS:		
(1) State General Fund	1,400	
Total Ketchepedrakee Creek Watershed Conservancy District...	1,400	1,400

33. LAKE EUFAULA SUMMER SPECTACULAR:

(a) Tourism and Travel Promotion Program		5,602
SOURCE OF FUNDS:		
(1) State General Fund	5,602	
Total Lake Eufaula Summer Spectacular.....	5,602	5,602

34. LANDMARKS FOUNDATION, INC.:

(a) Historical Resources Management Program.....		5,625
SOURCE OF FUNDS:		
(1) State General Fund	5,625	
Total Landmarks Foundation Inc.....	5,625	5,625

35. MOBILE AREA MARDI GRAS ASSOCIATION:

(a) Tourism and Promotion Program		2,800
SOURCE OF FUNDS:		
(1) State General Fund	2,800	

Total Mobile Area Mardi Gras Association	2,800	2,800
36. MOBILE CARNIVAL ASSOCIATION:		
(a) Tourism and Travel Promotion Program		2,800
SOURCE OF FUNDS:		
(1) State General Fund	2,800	
Total Mobile Carnival Association	2,800	2,800
37. MOBILE EXPLOREUM-MEDICAL:		
(a) Educational Museum Services Program		21,000
SOURCE OF FUNDS:		
(1) State General Fund	21,000	
Total Mobile Exploreum-Medical	21,000	21,000
38. MOTOR SPORTS HALL OF FAME:		
(a) Tourism and Travel Promotion Program		75,000
SOURCE OF FUNDS:		
(1) State General Fund	75,000	
Total Motor Sports Hall of Fame	75,000	75,000
39. MOUNTAIN LAKES TOURIST ASSOCIATION, ALABAMA:		
(a) Tourism and Travel Promotion Program		14,306
SOURCE OF FUNDS:		
(1) State General Fund	14,306	
Total Mountain Lakes Tourist Association, Alabama	14,306	14,306

40. MUSIC HALL OF FAME, ALABAMA:		
(a) Fine Arts Program		25,000
SOURCE OF FUNDS:		
(1) State General Fund	25,000	
Total Alabama Music Hall of Fame	25,000	25,000
41. PEA RIVER HISTORICAL AND GENEALOGICAL SOCIETY:		
(a) Historical Resources Management Program		3,110
SOURCE OF FUNDS:		
(1) State General Fund	3,110	
Total Pea River Historical and Genealogical Society	3,110	3,110
42. PEA RIVER WATERSHED CONSERVANCY DISTRICT (Conservation Department) To be used for capital maintenance and improvements at Coffee County Lake:		
(a) Water Resource Development Program		11,400
SOURCE OF FUNDS:		
(1) State General Fund	11,400	
Total Pea River Watershed Conservancy District	11,400	11,400
43. PEANUT FESTIVAL ASSOCIATION, INC., NATIONAL:		
(a) Tourism and Travel Promotion Program		8,250
SOURCE OF FUNDS:		
(1) State General Fund	8,250	
Total National Peanut Festival Association, Inc.	8,250	8,250
44. PIKE COUNTY PIONEER		

MUSEUM ASSOCIATION:

(a) Historical Resources Management Program		5,000
SOURCE OF FUNDS:		
(1) State General Fund	5,000	
Total Pike County Pioneer Museum Association	5,000	5,000

45. RIVERBOAT COMMISSION, INC., MONTGOMERY:

(a) Tourism and Travel Promotion Program		10,000
SOURCE OF FUNDS:		
(1) State General Fund	10,000	
Total Montgomery Riverboat Commission	10,000	10,000

46. SAFE PLACE:

(a) Social Services Program		15,000
SOURCE OF FUNDS:		
(1) State General Fund	15,000	
Total Safe Place	15,000	15,000

47. SENIOR BOWL-MOBILE:

(a) Tourism and Travel Promotion Program		35,000
SOURCE OF FUNDS:		
(1) State General Fund	35,000	
Total Senior Bowl-Mobile	35,000	35,000

48. SHELBY COUNTY HISTORICAL ASSOCIATION:

(a) Historical Resources Management Program		8,750
SOURCE OF FUNDS:		
(1) State General Fund	8,750	

Total Shelby County Historical Association	8,750	8,750

49. SICKLE CELL EDUCATION PROGRAM:

(a) East Alabama Sickle Cell		62,500
(b) Jefferson County Sickle Cell		100,000
(c) Mobile Sickle Cell		70,000
SOURCE OF FUNDS:		
(1) State General Fund	232,500	
Total Sickle Cell Education Program	232,500	232,500

50. SOUTHERN CENTER FOR INTERNATIONAL STUDIES, ANNUAL MEMBERSHIP:

(a) Special Services Program		18,750
SOURCE OF FUNDS:		
(1) State General Fund	18,750	
Total Southern Center for International Studies, Annual Membership	18,750	18,750

51. SOUTHERN CHAMPIONSHIP CHARITY HORSESHOW:

(a) Tourism and Travel Promotion Prgoram		3,110
SOURCE OF FUNDS:		
(1) State General Fund	3,110	
Total Southern Championship Charity Horseshow	3,110	3,110

52. SPIRIT OF AMERICA FESTIVAL, INC.

(a) Tourism and Travel Promotion Program		2,801
SOURCE OF FUNDS:		
(1) State General Fund	2,801	

Total Spirit of America Festival, Inc.	2,801	2,801
53. STEER SHOW ASSOCIATION, ALABAMA STATE:		
(a) Agricultural Development Services Program		15,000
SOURCE OF FUNDS:		
(1) State General Fund	15,000	
Total Alabama State Steer Show Association	15,000	15,000
54. TALLACOOSA HIGHLAND LAKES ASSOCIATION:		
(a) Tourism and Travel Promotion Program		5,602
SOURCE OF FUNDS:		
(1) State General Fund	5,602	
Total Tallacoosa Highland Lakes Association	5,602	5,602
55. TALLASSEEHATCHIE CREEK WATERSHED CONSERVANCY DISTICT:		
(a) Water Resource Development Program		1,237
SOURCE OF FUNDS:		
(1) State General Fund	1,237	
Total Tallasseehatchie Creek Watershed Conservancy Distict	1,237	1,237
56. TENNESSEE RIVER VALLEY ASSOCIATION:		
(a) Water Resource Development Program		8,708
SOURCE OF FUNDS:		
(1) State General Fund	8,708	
Total Tennessee River Valley Association	8,708	8,708

57. TENNESSEE VALLEY PUBLICITY AND IMPROVEMENT ASSOCIATION:		
(a) Tourism and Travel Promotion Program		24,881
SOURCE OF FUNDS:		
(1) State General Fund	24,881	
Total Tennessee Valley Publicity and Improvement Association	24,881	24,881
58. TERRAPIN CREEK WATERSHED CONSERVANCY DISTRICT:		
(a) Water Resource Development Program		1,400
SOURCE OF FUNDS:		
(1) State General Fund	1,400	
Total Terrapin Creek Watershed Conservancy District	1,400	1,400
59. TRAVEL COUNCIL, ALABAMA:		
(a) Tourism and Travel Promotion Program		40,000
SOURCE OF FUNDS:		
(1) State General Fund	40,000	
Total Alabama Travel Council	40,000	40,000
60. TRI-RIVERS WATERWAY DEVELOPMENT ASSOCIATION:		
(a) Water Resource Development Program		16,794
SOURCE OF FUNDS:		
(1) State General Fund	16,794	
Total Tri-Rivers Waterway Development Association	16,794	16,794
61. VESTAVIA HILLS DOGWOOD FESTIVAL AND TRAIL:		

(a) Tourism and Travel Promotion Program		1,500
SOURCE OF FUNDS:		
(1) State General Fund	1,500	
Total Vestavia Hills Dogwood Festival and Trail	1,500	1,500

62. VETERANS DAY IN ALABAMA:

(a) Historical Resources Management Program		1,244
SOURCE OF FUNDS:		
(1) State General Fund	1,244	
Total Veterans Day in Alabama	1,244	1,244

63. VETERANS DAY COMMITTEE, NATIONAL:

(a) Historical Resources Management Program		4,358
SOURCE OF FUNDS:		
(1) State General Fund	4,358	
Total National Veterans Day Committee	4,358	4,358

64. W. C. HANDY PROPERTY BOARD:

(a) Historical Resources Management Program		15,000
SOURCE OF FUNDS:		
(1) State General Fund	15,000	
Total W. C. Handy Property Board	15,000	15,000

65. Y.M.C.A. YOUTH LEGISLATURE:

(a) Special Services Program		11,250
SOURCE OF FUNDS:		
(1) State General Fund	11,250	

Total Y.M.C.A. Youth Legislature	11,250	11,250
66. GENEVA COUNTY TOMATO FESTIVAL:		
(a) Tourism and Travel Promotion Program		3,110
SOURCE OF FUNDS:		
(1) State General Fund	3,110	
Total Geneva County Tomato Festival	3,110	3,110
67. ST. CLAIR COUNTY HISTORICAL SOCIETY:		
(a) Historical Resources Management Program		5,000
SOURCE OF FUNDS:		
(1) State General Fund	5,000	
Total St. Clair County Historical Society	5,000	5,000
68. BEACON HOUSE-JASPER:		
(a) Social Services Program		50,000
SOURCE OF FUNDS:		
(1) State General Fund	50,000	
Total Beacon House-Jasper	50,000	50,000
69. CHILTON COUNTY HISTORICAL SOCIETY:		
(s) Historical Resources Management Program		5,000
SOURCE OF FUNDS:		
(1) State General Fund	5,000	
Total Chilton County Historical Society	5,000	5,000
70. BAYOU LA BATRE SEAFOOD FESTIVAL:		
(s) Special Services Program		1,000

SOURCE OF FUNDS:		
(1) State General Fund	1,000	
Total Bayou La Batre Seafood Festival	1,000	1,000

71. CITRONELLE OIL BOWL:

(a) Special Services Program		500
SOURCE OF FUNDS:		
(1) State General Fund	500	
Total Citronelle Oil Bowl	500	500

72. CULTURE IN BLACK AND WHITE, INC:

(a) Special Services Program		1,500
SOURCE OF FUNDS:		
(1) State General Fund	1,500	
Total Culture in Black and White, Inc.	1,500	1,500

73. SIMPSON-MAY CEREBRAL PALSY CENTER:

(a) Special Services Program		35,000
SOURCE OF FUNDS:		
(2) State General Fund	35,000	
Total Simpson-May Cerebral Palsy Center	35,000	35,000

74. ELYTON RECOVERY CENTER:

(a) Non-Institutional Treatment and Care Program		75,000
SOURCE OF FUNDS:		
(1) State General Fund	75,000	
Total Elyton Recovery Center.	75,000	75,000

75. ALABAMA COAL MINING MUSEUM, INC.:

(a) Tourism and Travel Promotion Program		25,000

SOURCE OF FUNDS:		
(1) State General Fund	25,000	
Total Alabama Coal Mining Museum, Inc.	25,000	25,000
76. HIGH TECHNOLOGY ECONOMIC DEVELOPMENT FOUNDATION, INC.:		25,000
SOURCE OF FUNDS:		
(1) State General Fund	25,000	
Total High Technology Economic Development Foundation, Inc.	25,000	25,000
77. GEORGE LINDSEY CELEBRITY BENEFIT, INC.:		
(a) Tourism and Travel Promotion Program		7,500
SOURCE OF FUNDS:		
(1) State General Fund	7,500	
Total George Lindsey Celebrity Benefit, Inc.	7,500	7,500
78. CLEVELAND AVENUE BRANCH-YMCA IN MONTGOMERY:		
(a) Special Services Program		4,005
SOURCE OF FUNDS:		
(1) State General Fund	4,005	
Total Cleveland Avenue Branch-YMCA in Montgomery	4,005	4,005
79. DEPARTMENT OF FINANCE-RETIRED SENIOR VOLUNTEER PROGRAM:		
(a) Special Services Program		303,150
SOURCE OF FUNDS:		
(1) State General Fund	303,150	
Total Department of Finance-		

Retired Senior Volunteer Program	303,150	303,150

The above appropriation to the Retired Senior Volunteer Program shall be distributed in the following manner: $34,664 to the Foster Grandparent and Senior Companion Programs and $268,486 to the Retired Senior Volunteer Programs.

80. BLOUNT COUNTY-ONEONTA AGRI-BUSINESS ASSOCIATION-FARMERS' MARKET:

(a) Special Services Program		25,000
SOURCE OF FUNDS:		
(1) State General Fund	25,000	
Total Blount County-Oneonta Agri-Business Association Farmers' Market	25,000	25,000

F. DEBT SERVICE FUNDED FROM THE STATE GENERAL FUND:

1. General Obligation Capital Improvement Bonds, Series A and B, Estimated		1,371,308
SOURCE OF FUNDS:		
(1) State General Fund-Transfer	1,371,308	
Total General Obligation Capital Improvement Bonds, Series A and B, Estimated	1,371,308	1,371,308
2. General Obligation Coosa Waterway Bonds, Series A and B, Estimated		1,020,797
SOURCE OF FUNDS:		
(1) State General Fund-Transfer	1,020,797	
Total General Obligation		

Coosa Waterway Bonds, Series A and B, Estimated	1,020,797	1,020,797
3. General Obligation Docks Facilities Bonds, Series A-C, Estimated		4,405,100
SOURCE OF FUNDS:		
(1) State General Fund-Transfer	4,405,100	
Total General Obligation Docks Facilities Bonds, Series A-C, Estimated	4,405,100	1,405,100
4. Inland Waterway Improvement Bonds, Series A, Estimated		179,912
SOURCE OF FUNDS:		
(1) State General Fund-Transfer	179,912	
Total Inland Waterway Improvement Bonds, Series A, Estimated	179,912	179,912
5. Tennessee-Tombigbee Waterway Bonds, Series A-D, Estimated		4,163,661
SOURCE OF FUNDS:		
(1) State General Fund-Transfer Estimated pursuant to Constitutional Amendment No. CCLXX as provided in Act No. 248, 1967 Regular Session	4,163,661	
Total Tennessee-Tombigbee Waterway Bonds, Series A-D, Estimated	4,163,661	4,163,661
6. Corrections Institution Bonds, Estimated		1,054,062
SOURCE OF FUNDS:		
(1) State General Fund-Transfer, Estimated	1,054,062	
Pursuant to Constitutional Amendment No. 374 as provided for in Act No.		

134, 1978 Second Special Session.		
Total Corrections Institution Bonds, Estimated	1,054,062	1,054,062
7. General Obligation Bonds, 1982, Series A and B, and General Obligation Refunding Bonds, 1983, Series A and B, Estimated		55,309,820
SOURCE OF FUNDS: (1) State General Fund-Transfer, Estimated	55,309,820	
Total General Obligation Bonds, 1982, Series A and B, and General Obligation Refunding Bonds, 1983, Series A and B, Estimated	55,309,820	55,309,820

Section 3. That, except as may be herein otherwise provided, that amounts herein specifically appropriated shall be in lieu of the amounts heretofore provided or appropriated by law for such purposes. That the amounts herein appropriated are the maximum amounts to be expended for the purposes herein designated and in no event shall the maximum expenditure provided for any items of expense exceed the amount allocated herein except as may be provided for under Section 5 and 6 of this bill, as provided in the Budget Management Act of 1976, Title 41, Chapter 19, Sections 1 through 12, 1975 Code of Alabama as amended, and those appropriations herein made, except appropriations to the Alabama Alcoholic Beverage Control Board for the purchase of alcoholic beverages, are and shall be subject to the terms, conditions, provisions and limitations of Title 41, Chapter 4, Section 80-96, 1975 Code of Alabama and the Budget Management Act of 1976, Title 41, Chapter 19, Sections 1 through 12, 1975 Code of Alabama as amended.

Section 4. That any surplus remaining in any appropriation herein made from the State General Fund to any office, department, bureau, board, commission, or agency may be transferred, on order of the Governor, to any other appropriation herein made from the State General Fund when such appropriation to any office, department, bureau, board, commission, or agency is insufficient to pay salaries in that office, department, bureau, board, commission, or agency.

Section 5. In addition to appropriations herein made, all gifts, grants, contributions, appropriations, entitlements or any other funds, in excess of the amount carried in the bill, including grants by the Congress of the United States, municipalities or counties, to any department, division, board, bureau, commission, agency, institution, office or officer of the State of Alabama are hereby appropriated and, in the event the same are recurring, are reappropriated to such department, division, board, bureau, commission, agency, institution, office or officer to be used only for the purpose or purposes for which the grant or contribution was or shall be made. Further, all state, county and educational entities are authorized to disburse

such sums as deemed necessary by mutual agreement between said entities and the State of Alabama, Department of Examiners of Public Accounts to partially defray the cost of auditing services performed by said agency. All such sums are hereby appropriated and reappropriated if necessary to the Department of Examiners of Public Accounts for audit services, to be expended through the fund established by the Code of Alabama 1975, §41-5-24.

Section 6. Under the State and Local Fiscal Assistance Act of 1972, as amended, Public Law 92-512, 92nd Congress, and interest earned by the State thereon, together with any accruals or reversions accruing from Revenue Sharing Investments are hereby appropriated for General Government to be spent at the discretion of the Governor.

Section 7. That, if any section, paragraph, sentence, clause, provision, or portion of the Act or all or any portion of any appropriation herein made be held unconstitutional or invalid, it shall not affect any other section, paragraph, sentence, clause, provision or portion of this Act or any other appropriation or appropriations or portion thereof hereby made not in and of itself unconstitutional or invalid.

Section 8. That all laws and parts of laws, general, special, private, or local in conflict with or inconsistent with the provisions of this Act be and the same are hereby expressly repealed.

Section 9. That each Department of the State funded through the provisions of this budget shall provide an equal opportunity for employment and business opportunities for all citizens of this state without regard to sex or race.

Section 10. That this Act shall become effective October 1, 1983.

REPORT OF COMMITTEE ON CONFERENCE

Rep. Coburn offered the motion that the House concur in and adopt the Report of the Committee on Conference on the disagreement of the two Houses on the Senate amendment to the bill, H. 236, said report being set out in the above and foregoing Report of the Committee on Conference.

SUBSTITUTE MOTION TO NON-CONCUR TABLED

On motion of Rep. Coburn, the substitute motion offered by Rep. Penry that the House non-concur in the Report of the Committee on Conference concerning the bill, H. 236, and request a new Committee on Conference be appointed, was tabled.

Yeas 84; Nays 5.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Biddle, Blake, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Carothers, Carter, Casey, Clark, Coburn, Cosby, Crow, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Holley, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Jumkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, McKee, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Parker, Payne, Poole, Preuitt, Rains, Richardson, Sasser, Scott, Smith, Starkey, Starr, Thomas, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Warren, White (F), White

(L), Williams, Wilson, Wright and Zoghby.

—84

Nays: Reps.: Coleman, Lewis, McMillan, Penry and Rice. —5

RESOLUTIONS

The following resolutions were introduced and distributed according to Joint Rule 11:

By Rep. Clark:

H. R. 507. HONORING TOMMY COMPTON FOR OUTSTANDING PERFORMANCE DURING ALL-STAR FOOTBALL GAME.

Also:

By Rep. Clark:

H. R. 508. HONORING LYDELL MITCHELL FOR OUTSTANDING PERFORMANCE DURING ALL-STAR FOOTBALL GAME.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 587. To make an appropriation from the State General Fund for the relief of John W. Bailey who contracted Histoplasmosis in line of duty and was forced to retire from employment with the State of Alabama.

McDOWELL LEE,
Secretary.

RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Seibels:

H. R. 509. MOURNING THE DEATH OF SERGEANT REX W. WINCHESTER OF THE IRONDALE POLICE DEPARTMENT.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 587. To make an appropriation from the State General Fund for the relief of John W. Bailey who contracted Histoplasmosis in line of duty and was forced to retire from employment with the State of Alabama.

And finds same correctly enrolled.

JOHN S. CASEY,
Chairman.

SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately

after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

H. 236 RESUMED

The question was then on the adoption of the motion offered by Rep. Coburn that the House concur in and adopt the Report of the Committee on Conference on the disagreement of the two Houses on the Senate amendment to the bill, H. 236, and the motion was adopted.

Yeas 95; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Holley, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Rice, Richardson, Sasser, Scott, Seibels, Smith, Starkey, Starr, Thomas, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

—95

MOTION TO SUSPEND RULE ADOPTED

On motion of Rep. Coburn, Rule 24 was suspended in order to transmit the bill, H. 236 as amended, to the Senate.

And the bill:

H. 236. To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, for other functions of government, for interest on the public debt, and for capital outlay for the fiscal year ending September 30, 1984.

As amended by the Report of the Committee on Conference, was again read at length and passed.

Yeas 101; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Holley, Horn, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams,

Wilson, Wright and Zoghby.

—101

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator deGraffenried:

S. J. R. 335. CREATING A SELECT COMMITTEE TO STUDY PUBLIC EDUCATION IN TUSCALOOSA COUNTY.

WHEREAS, the Presidential Commission Report on Excellence in Education finds that mediocrity is far more common in public education than is excellence; and

WHEREAS, Tuscaloosa County taxpayers invest in excess of fifty million dollars annually for public education in the county; and

WHEREAS, no comprehensive study or report has been conducted in Tuscaloosa County concerning the status of public education; and

WHEREAS, such a study would be extremely important and useful to our youth, to our state's economic development and to our general welfare; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Select Committee to Study Public Education in Tuscaloosa County is hereby created and shall be composed of fifteen members as follows: The chairman of the Tuscaloosa County Board of Education, and the chairman of the Tuscaloosa City Board of Education shall serve as co-chairmen of the committee, and they shall call for the times, dates and locations of committee meetings; and the following persons shall be members of the committee: Mr. Mark Perkins, Mr. William Lanford, Mr. Charles Land, Mr. Jimmie Clements, Mr. James Horton, Mrs. Sadie Mallisham, Mrs. Jean Kelley, Mr. Leroy McAbee, Mr. Johnny Wiggins, Dr. Harrold Bishop, Mr. Sylvester Croom, Mr. Johnny Wyatt, Dr. Malcolm Portera, Dr. Don Rose, and Mr. Webb Sartain. Vacancies shall be filled jointly by the co-chairmen.

BE IT FURTHER RESOLVED, That the committee shall study all aspects of public education in Tuscaloosa County and shall make a comprehensive report on its findings and suggestions for improvement, to be completed as soon as possible, in no event later than January 1, 1984.

The report shall be bound and presented to each member of the Tuscaloosa County legislative delegation, to the Tuscaloosa County and City Boards of Education and a copy shall be placed in the Tuscaloosa County library and in the education library at the University of Alabama.

RESOLVED FURTHER, That the committee is authorized to employ any clerical, technical or consultant help they deem necessary, and the expenses of the committee shall be paid equally by the county and city boards of education.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Johnson (Roy), the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 335, set out in the above and foregoing Message from the Senate.

RESOLUTIONS

The following resolutions were introduced:

By Rep. Johnson (Roy):

H. J. R. 510 BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when we adjourn today, Monday, August 1, 1983, we adjourn sine die.

On motion of Rep. Johnson (Roy), the rules were suspended and the resolution, H. J. R. 510, was adopted.

Also:

By Reps. Bowling and Drake:

H. J. R. 511. COMMENDING THE REVEREND HAROLD G. HERMETZ OF SAINT PAUL'S LUTHERAN CHURCH, CULLMAN, ALABAMA, FOR 25 YEARS OF OUTSTANDING SERVICE TO THE LUTHERAN MINISTRY.

WHEREAS, it is with great pleasure, and in sincere commendation, that the Legislature of Alabama, recognizes the Reverend Harold G. Hermetz of Saint Paul's Lutheran Church, Cullman, Alabama, on the 25th Anniversary of his graduation from Concordia Lutheran Theological Seminary and on the 25th Anniversary of continuous outstanding service to the Lutheran Ministry; and

WHEREAS, Reverend Hermetz graduated Summa Cum Laude with a Master of Divinity degree 25 years ago in the largest graduating class ever from Concordia Lutheran Theological Seminary, Saint Louis, Missouri; and

WHEREAS, 25 years ago this week, August 3, 1958, Reverend Hermetz was ordained a minister in the Lutheran faith at a Lutheran Church-Missouri Synod parish which he established named Atonement Lutheran Church in Metairie, Louisiana, which now boasts over 1,000 members; and

WHEREAS, Reverend Hermetz also founded parishes in Greenwood and Cleveland, Mississippi, respectively named Christ the King Lutheran Church and Good Shepherd Lutheran Church, while fulfilling his call at Faith Lutheran Church, Greenville, Mississippi, where he was appointed to serve on the Greenville Human Rights Council during Southern racial unrest in the mid-1960's; and

WHEREAS, Reverend Hermetz, a native of Foley, Alabama, and honors graduate of Foley High School and Concordia Lutheran College, Austin, Texas, has been pastor of Saint Paul's Lutheran Church, Cullman, Alabama, for the past 18 years being only the second pastor in Saint Paul's 98-year history to serve such an extended period of time; and

WEHREAS, as pastor of Saint Paul's, Reverend Hermetz has brought a great deal of honor and distinction to Saint Paul's Lutheran Church through his successful ministering of the congregations's needs, most notably, the fund raising and construction of a half a million dollar church facility dedicated in 1970 and by increasing Saint Paul's membership from approximately 600 members in 1965 to over 1,000 in 1983; and

WHEREAS, Reverend Hermetz has further aided the growth of Saint Paul's Lutheran Church by a complete revision of the church's constitution as well as a restructuring of the church's administration; and

WHEREAS, Reverend Hermetz has further brought honor and distinction to Saint Paul's by serving as President of the Cullman County Ministerial Association and as leader of the North Alabama Area Delegation of Lutheran Churches, Circuit 8, representing Saint Paul's and Circuit 8 at numerous conferences including regional and national conventions, and as Chairman of the Parish Education Committee of the Southern District of the Lutheran Church-Missouri Synod; and

WHEREAS, Reverend Hermetz has brought additional honor and distinction to the Lutheran Church by his active participation in community service and organizations such as his leadership as President of the Cullman County Association for Retarded Citizens, President of the Cullman High School Parent-Teachers Association, President of the Cullman Toastmasters Club, President of the Cullman Swim Team Parents Association, Secretary of the Greenville, Mississippi, Lions Club, two-term First Vice President of the Cullman County Chamber of Commerce, two-term Secretary of the Cullman High School Quarterback Club, member of the Cullman Community Concerts Board of Directors, and as a member of the North-Central Alabama Mental Health Board of Directors; and

WHEREAS, Reverend Hermetz's 25 years of round-the-clock Christian counsel seven days a week, 365 days a year, has resulted in his performing 315 baptisms, 201 marriages and 174 funeral services; and

WHEREAS, Reverend Hermetz is a noted leader in his profession as well as the community in which he works professionally and communities which he has worked professionally the past 25 years encompassing three states; and

WHEREAS, Reverend Hermetz has served as an exemplar of Christianity to thousands of people by his outstanding performance as a minister and community leader thereby encouraging many nonchurchgoers to attend church as well as encouraging numerous people to pursue careers in the Lutheran ministry as teachers, missionaries or ministers; and

WHEREAS, Reverend Hermetz is held in highest regard by his peers, former students, former classmates and former congregations and indeed by a grateful congregation in the name of Saint Paul's Lutheran Church and by a grateful citizenry in the name of Cullman and Cullman County, Alabama, for his contributions to the profession he has served with distinction and dedication, and with a firm commitment to the furtherance of Christianity and the overall spiritual growth of all God's people better enabling them to live and work well with one another; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we herein express sincere commendation of the Reverend Harold G. Hermetz on the 25th Anniversary of his graduation from Concordia Lutheran Theological Seminary, Saint Louis, Missouri, for outstanding professional achievement in the Lutheran Ministry as exhibited by 25 years of unparalleled service and accomplishment.

BE IT FURTHER RESOLVED, That in token of our utmost esteem, a copy of this resolution shall be presented to Reverend Hermetz while serving as Minister of the Day in the Alabama House of Representatives at the pleasure of the Honorable House Speaker Tom Drake and the Honorable Representative W. C. "Bill" Bowling of Cullman, the last day of the 1983

Regular Session of the Alabama Legislature, Monday, August 1, 1983.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to the President of the Saint Paul's Lutheran Church Congregation, Robert Teichmiller, by church member, the Honorable Representative W. C. "Bill" Bowling, sponsor of this resolution, at the proper time and place so as to show the members of Saint Paul's as well as members of the community in which Reverend Hermetz lives and, indeed, the Hermetz Family, our sincere warm praise and regard.

On motion of Rep. Bowling, the rules were suspended and the resolution, H. J. R. 511, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Reps. Turner, Kvalheim, Gaston, Box and McMillan:

H. R. 512. COMMENDING REPRESENTATIVE TAYLOR HARPER FOR HIS SUPPORT OF ALABAMA'S SEAFOOD INDUSTRY.

Also:

The following resolution was introduced:

By Rep. Manley:

H. J. R. 513. COMMENDING ROSENBUSH FURNITURE COMPANY FOR 88 YEARS OF CONSECUTIVE SERVICE TO DEMOPOLIS, MARENGO COUNTY, AND THE STATE OF ALABAMA.

WHEREAS, Rosenbush Furniture Company was founded in Demopolis, Alabama, in June of 1895, by the late Julius Rosenbush, and,

WHEREAS, Rosenbush Furniture Company has continued, without interruption, its operation and service to the people of Demopolis and its trade area, subsequently by and under the ownership and management of Julius Rosenbush, Essie Rosenbush, Bert Rosenbush, Sr., and then under the management of Bert Rosenbush, Jr., and Mary Louise Rosenbush; and

WHEREAS, in 1976, Bert and Mary Louise Rosenbush purchased the historic Merchants Grocery building, and other buildings in that complex, completely remodeled them to a beautiful furniture facility which has greatly enhanced the area of Demopolis where their business is located; and

WHEREAS, Rosenbush Furniture Company is the oldest home-owned and home-operated furniture store in the State of Alabama;

NOW THEREFORE BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do hereby heartily congratulate and commend the Rosenbush family for their many years of service to their community and area and their great tradition in the retail furniture business as a privately owned furniture proprietorship; and

BE IT FURTHER RESOLVED That a copy of this Resolution be presented to Bert and Mary Louise Rosenbush of Demopolis, Alabama.

On motion of Rep. Manley, the rules were suspended and the resolution, H. J. R. 513, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. McKee:

H. R. 514. COMMENDING J. E. TURNER AND THE MOBILE DELEGATION FOR THE "DYING SHROUD AWARD."

Also:

The following resolutions were introduced:

By Reps. Moore, Murphy and Smith:

H. J. R. 515. COMMENDING MISS THERESA CAIN, MISS ALABAMA UNITED TEENAGER OF 1983.

WHEREAS, during recent competition held at the University of Montevallo, Miss Theresa Cain, daughter of Mr. and Mrs. Earl Cain of Chelsea, Shelby County, Alabama, was named Miss Alabama United Teenager of 1983; and

WHEREAS, Miss Cain, an active member of Liberty Baptist Church, is a 15-year-old honor student at Chelsea High School where she is head cheerleader and active in numerous school affairs; she also has won several school contests including Miss CHS, Junior Miss CHS and Junior Miss Chelonet; and

WHEREAS, contestants in the Miss Alabama United Teenager competition were required to write an essay on "My Country" and also to carry out a civic project; Miss Cain, who chose "Special Olympics," was selected over other young ladies, ages 15 to 18, from throughout Alabama; and

WHEREAS, as the 1983 Miss Alabama United Teenager, Theresa Cain will travel to Hollywood, California, representing the State of Alabama in costume competition; to Hawaii for a tour of the islands; and to Washington, D.C., for final judging in competition with girls representing all 50 states; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most enthusiastically congratulate and commend Miss Theresa Cain as Miss Alabama United Teenager of 1983.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Miss Cain with a copy also provided for her parents as well as for representatives of the news media.

On motion of Rep. Moore, the rules were suspended and the resolution, H. J. R. 515, was adopted.

Also:

By Rep. Laird:

H. J. R. 516. CREATING AN INTERIM COMMITTEE TO STUDY THE FEASIBILITY OF CREATING A TELECOMMUNICATION SYSTEM FOR THE STATE OF ALABAMA OWNED BY THE STATE.

BE IT RESOLVED BY THE STATE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint interim committee to study the feasibility of creating a telecommunication system for the state government of the State of Alabama, owned by the State. Such committee shall be composed of three members of the House of

Representatives to be selected by the Speaker of the House of Representatives and three members of the Senate to be selected by the Lieutenant Governor. The chairman of the committee shall be chosen by the members.

It shall be the duty of the committee to study the inadequacies of the existing system and the present and projected needs to be taken into consideration in establishing a new telecommunication system for state government in order to determine the feasibility of creating a state-owned telecommunication system. The comparative benefits and costs of the different systems shall be studied. The study committee shall work with the Governor's Office, the Legislative Fiscal Officer and his staff, and with all department heads who shall cooperate with the committee.

The study committee shall have authority to employ secretarial assistance and research assistance. The members of the committee shall receive the same pay, per diem and travel expenses that is received when the legislature is in session. The committee shall report their findings, recommendations, and suggested legislation to the legislature by the tenth legislative day of the 1984 Regular Session. The study committee shall be funded from monies appropriated to the use of the legislature for such purposes. The expenditures of the committee shall not exceed ten thousand dollars ($10,000).

On motion of Rep. Laird, the rules were suspended and the resolution, H. J. R. 516, was adopted.

Also:

By Rep. Payne:

H. J. R. 517. DECLARING THE WEEK OF AUGUST 22-26, 1983 "BACK TO SCHOOL WEEK" IN ALABAMA.

WHEREAS, the majority of Alabama's 800,000 school children will be starting back to school during the week of August 22-26, 1983 at our public and private schools; and

WHEREAS, a recent report from the President's Select Commission on Education indicated the need for a renewed effort by educators, law makers, parents and students to increase educational opportunitites during primary and high school years; and

WHEREAS, many kindergarten and first graders will be starting to school for the first time, we urge all drivers to exercise great caution during school hours; and

WHEREAS, teachers, administrators, and other personnel will be meeting in institutes and in-service meetings to increase their abilities and skills prior to school starting; and

WHEREAS, a back to school song "A Book a Day" has been written by Happy Hal Burns to motivate reading and learning among our school children; and

WHEREAS, great strides have been made by administrators and teachers alike bringing our students test scores up to and above the national average in the past year; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of Alabama's educators, school children and parents, that the week of August 22-26, 1983 be declared "BACK TO SCHOOL WEEK" in Alabama.

On motion of Rep. Payne, the rules were suspended and the resolution, H. J. R. 517, was adopted.

Also:

By Reps. Drake, Stout, Rains, Richardson and Hall:

H. J. R. 518. NAMING THE HEALTH AND FINE ARTS BUILDING AT NORTHEAST ALABAMA STATE JUNIOR COLLEGE, THE W. M. BECK HEALTH AND FINE ARTS BUILDING.

WHEREAS, William M. Beck, Sr., born October 11, 1903, is one of 15 children reared on a Calhoun County farm; he attended primary school in Talledega and later attended Newberry College in South Carolina, Birmingham Southern College, and Jacksonville State College where, because of his athletic achievements, he has been named "Centennial Athlete", an honor bestowed on 100 people this century; and

WHEREAS, after teaching school and coaching football, baseball, and basketball at Oxford High School and Collinsville High School for six years, Mr. Beck, through study and preparation, was admitted to the Alabama State Bar by examination in 1932 having never attended law school; Mr. Beck was elected for two terms as judge of DeKalb Court, served as president of the DeKalb Bar Association, bar commissioner of the 9th Judicial Circuit, and was elected vice-president of the Alabama Bar; he received an honorary Doctor of Law Degree from Judson College where he served as chairman of the Judson Board of Trustees for 21 years and was elected president of Judson for 18 months; and

WHEREAS, Mr. Beck married Vera Isbell in 1929; the Becks have three children; Morris Beck and Dan Beck, have pursued legal careers and Mrs. Francis Jagoe is a teacher; Mr. and Mrs. Beck have seven grandchildren and one great-grandchild; and

WHEREAS, Mr. Beck has made many civic contributions including activity with the Boy Scouts who have honored him with the Silver Beaver award; he served as state president of Woodmen of the World; he has been a member of the Independent Order of Odd Fellows for over 50 years; he has served as finance chairman for 30 years of the Grand Lodge of Free and Accepted Masons of the State of Alabama; he has been a member and deacon of the First Baptist Church of Fort Payne for over 50 years, and for his various contributions he has received the Algernon Sidney Sullivan Award for outstanding public service; and

WHEREAS, Mr. Beck served his country in the military in World War I, in World War II as a Marine Master Sergeant, and as a member of the National Guard for six years; and

WHEREAS, he served as Speaker of the Alabama House of Representatives from 1947-51 during his second term as a representative from DeKalb County having first served from 1939-43; he served as a member of the State Board of Education for 12 years by appointment of Governor George Wallace and Governor Lurleen Wallace; and

WHEREAS, as a member of the State Board of Education, Mr. Beck played an active role in the creation of the state junior college system and in particular in the establishment and location of Northeast Alabama State Junior College on the border of DeKalb and Jackson Counties so that all people of that region of the state would have access to college instruction; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby name and designate the Health and Fine Arts Building at Northeast Alabama State Junior College, the "William Morris Beck Health and Fine Arts Center", and that the proper authorities erect and maintain appropriate signs and markers so designating said facility.

BE IT FURTHER RESOLVED, that this resolution be framed and displayed in the main entrance of said facility for the public to witness, and that five copies of this resolution be made for the family of William M. Beck so that they know of the high regard and warm affection the Alabama Legislature holds for him.

On motion of Rep. Stout, the rules were suspended and the resolution, H. J. R. 518, was adopted.

Also:

By Rep. Campbell:

H. J. R. 519. COMMENDING CHAMPION GOLFER JERRY PATE FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, a professional golfer and winner of the 1976 U.S. Open, Mr. Jerry Pate is a former resident of Anniston, Alabama, where he attended elementary school; and

WHEREAS, he also attended and is a graduate of the University of Alabama and was a member of the University Golf team; and

WHEREAS, in addition to the 1976 U. S. Open Championship, Mr. Pate also was the winner of the National American Championship in 1974; and

WHEREAS, in recognition of Mr. Pate's outstanding accomplishments as a professional golfer and in gratitude for his contributions of both time and personal funds to further interest in Junior Golf in Calhoun County, the City of Anniston, has designated August 13, 1983, as "Jerry Pate Day" in his former hometown; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Mr. Jerry Pate for outstanding achievement and direct that he receive a copy of this resolution in declaration of our sincere warm praise and highest regard.

On motion of Rep. Campbell, the rules were suspended and the resolution, H. J. R. 519, was adopted.

Also:

By Rep. Bennett:

H. J. R. 520. BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Act 83-674, Senate Bill 369, creating the Senior Citizens Hall of Fame, is hereby named the "Amari-Layton Act".

On motion of Rep. Bennett, the rules were suspended and the resolution, H. J. R. 520, was adopted.

S. J. R. 259 TAKEN UP

The resolution:

S. J. R. 259. CREATING THE FORT TOULOUSE-FORT JACKSON LEGISLATIVE JOINT INTERIM COMMITTEE.

Which was postponed on the twenty-ninth legislative day, was taken up.

SUBSTITUTE OFFERED

Rep. Venable offered the following substitute to the resolution, S. J. R. 259:

CREATING THE FORT TOULOUSE-FORT JACKSON LEGISLATIVE JOINT INTERIM COMMITTEE.

Whereas, considerable disagreement exists over restoration of the historical landmarks of Fort Toulouse and Fort Jackson, located in Elmore County and operated under control of the Alabama Historical Commission; and

WHEREAS, an effort needs to be made to resolve the disagreement to prevent the loss of federal funds before the beginning of the new fiscal year; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created an interim committee to study Fort Toulouse-Fort Jackson. Said committee shall consider evidence relating to location and construction of original French and American forts.

Said committee shall be composed of the two senators who represent Elmore County, the two representatives who represent Elmore County and one additional representative and one additional senator to be appointed by their respective presiding officers.

Upon request of the Committee, the Secretary of the Senate and the Clerk of the House shall provide clerical assistance as it may be necessary for the committee's work.

Members of the committee shall receive no additional pay for duties performed as a committee member.

BE IT FURTHER RESOLVED, That the Alabama Historical Commission and its staff is directed to provide such records and documents as the committee shall request, and cooperate fully in an effort to resolve the disagreement. The Committee shall report its findings by September 1, 1983, to the Governor's Office, the Alabama Historical Commission, the Elmore County Commission, and the Elmore County Historical Society, at which time the Commission shall be dissolved.

SUBSTITUTE ADOPTED

And the substitute was adopted.

RESOLUTION ADOPTED

And the resolution, S. J. R. 259 as amended, was adopted.

REPORT OF THE STANDING COMMITTEE ON RULES

Rep. Casey, Chairman of the Standing Committee on Rules, reported

that said Committee in session had acted on the following resolution and ordered same returned to the House with a favorable report:

H. J. R. 477. URGING THE STATE COMPTROLLER TO PAY ALL OUTSTANDING EXPENSES INCURRED BY THE JOINT INTERIM REAPPORTIONMENT COMMITTEE.

SUBSTITUTE OFFERED

Rep. Manley offered the following substitute to the resolution, H. J. R. 477:

URGING THE STATE COMPTROLLER TO PAY ALL OUTSTANDING EXPENSES INCURRED BY THE JOINT INTERIM REAPPORTIONMENT COMMITTEE.

WHEREAS, the Alabama Legislature notes the numerous legal and technical expenses incurred by the Joint Legislative Committee on Apportionment, created by Act 80-771, SJR 239, 1980 Regular Session, and Act 83-31, SJR 14, 1983 1st Special Session, as amended; and

WHEREAS, the outstanding expenese include fees and expenses due:

Mr. Rod Clark, Demographer	$ 2,005.47
Mr. Bobby M. Bowers, Consulting Demographer	24,382.72
Smith, Bowman, Thagard, Crook, and Culpepper, Attorneys	53,350.30
Dickstein, Shapiro and Morin, Attorneys	16,917.21
State of Alabama Data Center	670.00

and the fees and expenses due the Plaintiffs' attorneys, as follows:

James U. Blacksher	$181,608.88
Larry T. Menefee	7,191.00
Solomon Seay	29,120.11
W. Edward Still	33,834.36
Armand Derfner	6,450.00

as ordered by U. S. District Court Judge Myron Thompson; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA BOTH HOUSES THEREOF CONCURRING, That we hereby urge that all the aforementioned outstanding expenses be paid by the State Comptroller upon his receipt of authorized vouchers from funds appropriated to the Legislature.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to the State Comptroller that he may be aware of our concern in this matter.

SUBSTITUTE ADOPTED

And the substitute was adopted.

RESOLUTION ADOPTED

And the resolution, H. J. R. 477, as amended, was adopted.

REPORT OF THE STANDING COMMITTEE ON RULES

Rep. Casey, Chairman of the Standing Committee on Rules, reported that said Committee in session had acted on the following resolutions and ordered same returned to the House with a favorable report:

S. J. R. 251. NAMING THE NEW BUSINESS AND EDCUATION BUILDING AT NORTHEAST ALABAMA STATE JUNIOR COLLEGE, THE "HARRY CAMPBELL BUSINESS AND EDUCATION BUILDING."

On motion of Rep. Rains, the resolution, S. J. R. 251, was adopted.

Also:

S. J. R. 253. NAMING THE HEALTH AND FINE ARTS BUILDING AT NORTHEAST ALABAMA STATE JUNIOR COLLEGE, THE W. M. BECK HEALTH AND FINE ARTS CENTER.

On motin of Rep. Rains, the resolution, S. J. R. 253, was adopted.

Also:

S. J. R. 271. URGE THE EXPEDITIOUS INSTALLATION OF THE NEW STATE GOVERNMENT TELECOMMUNICATIONS SYSTEM.

On motion of Rep. Casey, the resolution, S. J. R. 271, was adopted.

REPORT OF THE STANDING COMMITTEE ON RULES

Rep. Casey, Chairman of the Standing Committee on Rules, reported that said Committee in session had acted on the following resolution and ordered same returned to the House with a favorable report with amendment:

S. J. R. 153. PETITIONING THE PRESIDENT OF THE UNITED STATES TO REESTABLISH OFFICIAL GOVERNMENTAL RELATIONS WITH THE REPUBLIC OF CHINA AND PETITIONING THE CONGRESS OF THE UNITED STATES TO TAKE ANY NECESSARY ACTION TO PROVIDE SPECIFIC SECURITY GUARANTEES FOR THE REPUBLIC OF CHINA.

Said amendment being as follows:

Amend Senate Joint Resolution, page 2, by striking line 8 in its entirety and inserting in lieu thereof the following:

to each member of the Alabama Congressional Delegation.

AMENDMENT ADOPTED

On motion of Rep. Casey, the amendment was adopted.

RESOLUTION ADOPTED

And the resolution, S. J. R. 153 as amended, was adopted.

RESOLUTIONS

The following resolutions were introduced:

By Rules Committee:

H. R. 521. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That the following business in the order named be made the spe-

cial and paramount order of business August 1, 1983, taking precedence over any other business of the House.

Report of Standing Committee

Introduction of Resolutions

Uncontested Local Bills

Unfinished Business

And the Following Bills:

By Mr. Parsons:

S. 139 p. 8 Contributory negligence

By Mr. Mitchem:

S. 189 p. 13 Legislative employees

By Mr. Parsons:

S. 209 p. 71 Political party check-off

By Mr. Aldridge:

S. 453 p. 71. Election primaries

By Mr. Teague:

S. 251 p. 49 Voter reidentification

By Mr. Teague:

S. 443 p. 54 Competitive bidding

By Mr. Keener:

S. 228 p. 31 Executive Security Officers

By Mr. Covington:

S. 236 p. 42 American Legion Scholarship

By Mr. Teague:

S. 379 p. 79 Appropriation, Tuskegee Institute

By Mr. Goodwin:

S. 211 p. 65 Controlled substances

By Mr. Hilliard:

S. 335 p. 72 Child support payments

By Mr. Proctor:

S. 297 p. 39 Mental Health

By Mr. Smith (J):

S. 153 p. 58 Child pornography

By Mr. Mitchem:

S. 388 p. 62 Venue, divorce decrees

By Mr. Foshee:

S. 47 p. 7 Board of Barber Examiners

By Mr. Parsons:

S. 278 p. 12 Law school programs

By Mr. Smith (J):

S. 298 p. 26 Controlled substances, limitation

By Mr. Smith (J):

S. 158 p. 59 Firearms into dwellings

By Mr. Teague:

S. 175 p. 39 State Retirement System, military service

By Mr. Hilliard:

S. 483 p. 81 Municipal judges, credit retirement

By Mr. Bedford:

S. 410 p. 73 Probate judges, salary

By Mr. Bedford:

S. 408 p. 43 Probate judges, fees for service

By Mr. Mitchell:

S. 95 p. 15 Appropriation, post secondary, univ

By Mr. Foshee:

S. 385 p. 13 Appropriation, Secretary of State

By Mr. Robertson:

S. 193 p. 10 Soybean products

By Mr. Little:

S. 323 p. 54 Additional tax, library purposes

By Mr. Covington:

S. 111 p. 42 17 years olds to donate blood

By Mr. Smith (J)

S. 450 p. 14 Homestead exemptions

By Mr. Menton:

S. 540 p. 63 Administering intestate's estate

By Mr. Mitchell:

S. 446 p. 20 Annual inventory

By Mr. Mitchell:

S. 447 p. 21 Inventory regulation

By Mr. Barron:

S. 276 p. 47 Nonresident fishing licenses

By Mr. Corbett:

S. 337 p. 83 Blue reflective markers, water hydrants

By Mr. Hilliard:

S. 196 p. 5 Small port authorities

By Mr. Parsons:

S. 510 p. 63 Lien exemptions

By Mr. Aldridge:

S. 83 p. 14 State employees, moving expenses

By Mr. Mitchell:

S. 555 p. 68 Ind. Dev. Authority, cigarette revenue

By Mr. Mitchell:

S. 556 p. 70 Ind. Dev. Authority, bond retirement

By Mr. Parsons:

S. 455 p. 64 Uniform parentage act

By Mr. Bedsole:

S. 226 p. 47 Nutritionists bill

By Mr. Smith (B):

S. 505 p. 50 Establish Ala. Economic Dev. Board

By Mr. Menton:

S. 113 p. 11 Ag & Ind., deceptive business practices

By Mr. Bailey:

S. 114 p. 11 Ag & Ind. scale mechanics

By Mr. Barron:

S. 407 p. 52 Senate District 8

By Mr. Dixon:

S. 248 p. 19 State employees insurance board

By Mr. Mitchell:

S. 279 p. 31 To improve election administration

By Mr. Holmes:

S. 361 p. 4 Fireworks regulation

By Mr. Kirkland:

S. 312 p. 61 Restitution orders

By Mr. Bailey:

S. 303 p. 10 Dept. of Youth Service

By Mr. Denton:

S. 419 p. 40 Presbyterian Homes, tax exemption

By Mr. Kirkland:

S. 539 p. 48 Pooled drilling units

SUBSTITUTE OFFERED

Rep. Manley offered the following substitute to the resolution, H. R. 521:

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That the following business in the order named be made the special and paramount order of business August 1, 1983, taking precedence over any other business of the House.

Report of Standing Committees

Introduction of Resolutions

Uncontested Local Bills

Unfinished Business

And the Following Bills:

By Mr. Foshee:

S. 385 p. 13 Appropriation, Secretary of State

By Mr. Mitchem:

S. 189 p. 13 Legislative employees

By Mr. Parsons:

S. 209 p. 71 Political party check-off

By Mr. Aldridge:

S. 453 p. 71 Election primaries

By Mr. Teague:

S. 251 p. 49 Voter reidentification

By Mr. Teague:

S. 443 p. 54 Competitive bidding

By Mr. Keener:

S. 228 p. 31 Executive Security Officers

By Mr. Covington:

S. 236 p. 42 American Legion Scholarship

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S. 379 p. 79 Appropriation, Tuskegee Institute

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By Mr. Hilliard:

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S. 47 p. 7 Board of Barber Examiners

By Mr. Parsons:

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S. 276 p. 47 Nonresident fishing licenses

By Mr. Corbett:

S. 337 p. 83 Blue reflective markers, water hydrants

By Mr. Hilliard:

S. 196 p. 5 Small port authorities

By Mr. Parsons:

S. 510 p. 63 Lien exemptions

MOTION TO TABLE LOST

The motion offered by Rep. Casey to table the substitute offered by Rep. Manley to the resolution, H. R. 521, was lost.

Yeas 31; Nays 62.

Yeas:

Mr. Speaker, Bennett, Biddle, Boles, Box, Brooks, Bryant, Buskey, Casey, Clark, Coburn, Crow, Drinkard, Hettinger, Johnson (A.L.), Johnson (Roy), Junkins, Kennedy, Langford, Lauderdale, Mathis, Melton, Moore, Nicholson, Poole, Reed, Smith, Stout, Trammell, Tucker and Williams.

—31

Nays:

Reps.: Adams, Blake, Blakeney, Bowling, Brakefield, Butler, Campbell, Carter, Coleman, Cosby, Davis, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hammett, Harper, Harvey, Holley, Horn, Johnson (R.G.), Kvalheim, Laird, Layton, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Murphy, Newman, Owens, Parker, Payne, Penry, Preuitt, Rains, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Starkey, Starr, Thornton, Turnham, Venable, Waggoner, Warren, White (F), White (L), Wilson, Wright and Zoghby.

—62

SUBSTITUTE ADOPTED

The question was then on the adoption of the substitute offerd by Rep. Manley to the resolution, H. R. 521, and the substitute was adopted.

Yeas 82; Nays 8.

Yeas:

Mr. Speaker, Adams, Blake, Blakeney, Boles, Bowling, Brakefield, Bryant, Butler, Campbell, Carothers, Carter, Casey, Coleman, Cosby, Davis, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hammett, Harper, Harvey, Hettinger, Holley, Horn, Johnson (R.G.), Johnson (Roy), Kennedy, Kvalheim, Laird, Lauderdale, Lewis, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Murphy, Nevett, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

—82

Nays:

Reps. Clark, Hall, Johnson (A.L.), Junkins, Layton, Moore, Nicholson and Tucker.

—8

RESOLUTION ADOPTED

And the resolution, H. R. 521 as amended, was adopted.

Also:

By Rep. Casey:

H. J. R. 522. NAMING THE ACTS THAT EACH HOUSE BILLS 56 AND 57, 1983 REGULAR SESSION BECOMES, BOTH RELATING TO THE PREVENTION OF CHILD ABUSE, "THE MARTIN-ALDRIDGE ACT."

WHEREAS, Representative Charles Martin and Senator Gary Aldridge have worked diligently and long hours in getting each House Bill 56 and House Bill 57 of the Regular Session 1983 enacted into law; and

WHEREAS, each said House Bill 56 and 57 relate to the prevention of child abuse which abuse has become a scourge on our society; now therefore,

BE IT RESOLVED BY THE ALABAMA LEGISLATURE, BOTH HOUSES THEREOF CONCURRING, That this body, in recognition of the long hours and diligent work of Representative Charles Martin and Senator Gary Aldridge in the enactment of House Bill 56 and House Bill 57, Regular Session 1983, do hereby designate the acts which these said bills become "The Martin-Aldridge Act."

RESOLVED FURTHER, That Representative Charles Martin and Senator Gary Aldridge each receive a copy of this resolution so that they may know of their colleagues' high esteem and admiration and the designation of these acts in their honor.

On motion of Rep. Casey, the rules were suspended and the resolution, H. J. R. 522, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Reps. Nicholson and Brakefield:

H. R. 523. RESOLUTION HONORING D. JOE GAMBRELL UPON HIS RETIREMENT AFTER 36 YEARS IN EDUCATION.

Also:

The following resolution was introduced:

By Rep. Biddle:

H. J. R. 524. CREATING AN INTERIM COMMITTEE TO STUDY THE RISING COST OF HEALTH CARE.

WHEREAS, the cost of health care has accelerated at a faster pace than the general economy; and

WHEREAS, these costs have begun to have a major effect on American

business and industry; and

WHEREAS, the utilization of hospitals, as measured by patient days per thousand population, is higher in Alabama than in many states; and

WHEREAS, the local cost of health care may be a determining factor in the success or failure of efforts to attract new business and industry; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a Joint Legislative Interim Committee to Study the Effects of Health Care Costs to this State.

BE IT FURTHER RESOLVED, That the Committee shall be composed of twelve (12) members. The Chairman of the House Health Committee and the Chairman of the Senate Health and Welfare Committee shall serve as members and the Speaker of the House and the Lieutenant Governor shall appoint five (5) members from the respective houses. Each member shall be entitled to his regular legislative compensation, his per diem and actual travel expenses and mileage, for each day he attends a meeting of the Committee except when the Legislature meets and for which he receives legislative per diem. Said pay, per diem and mileage and expenses shall be paid out of any funds appropriated to the use of the Legislature, upon warrants drawn on the state comptroller upon requisition approved by the Committee's Chairman. The annual expenses of the Committee shall not exceed fifteen thousand dollars ($15,000).

The said interim committee shall study any and all facets of the issues relating to the rising cost of health care and shall report to the Legislature on the tenth (10th) Legislative Day of the next Regular Session.

On motion of Rep. Biddle, the rules were suspended and the resolution, H. J. R. 524, was adopted.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Rep. Melton:

H. R. 525. COMMENDING THE REVEREND WILLIAM A. PITTS OF TUSCALOOSA, ALABAMA.

Also:

By Rep. Melton:

H. R. 526. COMMENDING MRS. ELOISE INGRAM OF TUSCALOOSA COUNTY, ALABAMA, FOR OUTSTANDING COMMUNITY SERVICE.

Also:

The following resolutions were introduced:

By Rep. Biddle:

H. R. 527. CREATING AN INTERIM COMMITTEE TO STUDY THE RISING COSTS OF HEALTH CARE.

WHEREAS, the cost of health care has accelerated at a faster pace than the general economy; and

WHEREAS, these costs have begun to have a major effect on American business and industry; and

WHEREAS, the utilization of hospitals, as measured by patient days per thousand population, is higher in Alabama than in many states; and

WHEREAS, the local cost of health care may be a determining factor in the success or failure of efforts to attract new business and industry; now therefore

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That there is hereby created a House Legislative Interim Committee to Study the Effects of Health Care Costs to this State.

BE IT FURTHER RESOLVED, That the Committee shall be composed of six (6) members. The Chairman of the Health Committee shall serve as a member and shall appoint five (5) members from the House.

The said interim committee shall study any and all facets of the issues relating to the rising costs of health care and shall report to the Legislature on the tenth (10th) Legislative Day of the next Regular Session.

On motion of Rep. Biddle, the rules were suspended and the resolution, H. R. 527, was adopted.

Also:

By Reps. Payne, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drake, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby:

H. J. R. 528. COMMENDING REPRESENTATIVE DUANE LEWIS OF BESSEMER ON HIS LEGISLATIVE LEADERSHIP AND EXTENDING BEST WISHES.

WHEREAS, Representative Duane Lewis, Representative of House District 50, Bessemer, now in his second term of office, has distinguished himself in the Alabama Legislature as a dedicated and effective legislator and for his outstanding leadership; and

WHEREAS, Representative Duane Lewis, a graduate of the University of Alabama, is a business entrepreneur; he is a member of: the Bessemer Board of Education, the Bessemer Area Chamber of Commerce, the Salvation Army Advisory Board, the Rotary Club, Mason, the Scottish Rite and Zamora Temple; and

WHEREAS, Representative Duane Lewis has been meticulously faithful to the representation of his constituents of House District 50 and with his legislative acumen he has sponsored and guided important and major legislation into law, including the staggered system of registration for the issuance of motor vehicles; the stiff D.U.I. (driving under the influence) pen-

alties, and authorizing bank mergers, to name only a few; and

WHEREAS, Representative Duane Lewis has earned the admiration and high regard of his colleagues in the Alabama Legislature and the high esteem in which we hold him speaks eloquently of our assessment that he has contributed outstanding leadership in this body; and

WHEREAS, Representative Duane Lewis, is retiring from the legislature at the end of the Regular Session, 1983, and his colleagues will profoundly miss him, his affable manner, keen wit and perceptive wisdom; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby express our warmest personal regards and best wishes for every success in the future; we further most highly commend Representative Duane Lewis for outstanding legislative service and direct that he receive a copy of this resolution in declaration of our sincere affection and esteem.

On motion of Rep. Payne, the rules were suspended and the resolution, H. J. R. 528, was adopted.

Also:

By Reps. McMillan, Harper, Gaston, Kvalheim, Penry and Zoghby:

H. R. 529. REQUESTING THE DEPARTMENT OF EDUCATION TO ESTABLISH THE ALABAMA "TEACHER-OF-THE-YEAR PROGRAM."

WHEREAS, the Alabama House of Representatives wishes to direct the public's attention to the contribution made by all Alabama teachers; and

WHEREAS, we hereby authorize the State Board of Education, jointly with each local board of education within the state to each year designate a classroom teacher as the Alabama Teacher-of-the-Year; a teacher may be nominated for the award by any Alabama resident by means of a nomination form which shall be prepared and distributed by the State Board of Education; nomination for the award shall be open to any person who is employed as a full-time teacher, Kindergarten through Grade 12, in a public school under the general control of the State Board of Education; and

WHEREAS, we request that no person shall be considered for the Teacher-of-the-Year Award unless such person has taught, continuously, for an accumulative period of nine months or more previous to the date of such person's nomination; shall have been formally nominated; and be actively teaching in this State at the time of nomination; a nominee shall be a person fully certified by the State Board of Education for the position held; and

WHEREAS, we urge that persons wishing to nominate a person for the Teacher-of-the-Year Award shall forward such nomination, in writing, to the superintendent of the public school district in which the nominee is employed; the district superintendent and school board shall, from all nominations, choose one such nominee and forward the name of such person to the State Superintendent of Public Instruction, together with such additional material as the State Superintendent may request; the evaluation of each nominee for the award, the determination of finalists, and the appointment of judges for the choosing of the winner shall be administered by the State Superintendent in accordance with rules promulgated by the State Board of

Education; and

WHEREAS, we request additionally that any funds which may be available from private or public sources to the award recipient shall be expended based on rules and regulations promulgated by the State Board of Education; the principle criterion for use of public funds shall be that of educational benefit to pupils; any funds from private sources which may be granted to the award recipient may be used for the educational benefit of pupils or for personal use of the award recipient; now therefore,

BE IT RESOLVED BY THE ALABAMA HOUSE OF REPRESENTATIVES, That we hereby request the State Department of Education to establish a Teacher-of-the-Year Program.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to the State Superintendent of Education that he may be made aware of our wishes and desires.

On motion of Rep. McMillan, the rules were suspended and the resolution, H. R. 529, was adopted.

SPECIAL ORDER

The House then proceeded with the consideration of the uncontested local bills on the Special Order Calendar.

And the bill:

S. 557. Relating to Shelby County; providing further for the licensing of retailers of alcoholic beverages.

Was read a third time at length and passed.

Yeas 32; Nays 0.

Yeas:

Reps.: Albright, Ashley, Bennett, Blake, Box, Brooks, Carter, Casey, Coleman, Cosby, Freemen, Goodwin, Hettinger, Johnson (Roy), Junkins, Martin, Mathis, Melton, Moore, Murphy, Nevett, Newman, Nicholson, Parker, Poole, Preuitt, Reed, Scott, Smith, Starkey, Turnham and Wright.

—32

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 559. Relating to Cullman County, to amend Sections 1 and 12 of Act No. 161, H. 182, 1973 Regular Session (Acts 1973, p. 202), which act levies a county hotel-motel lodging tax, so as to increase said tax, and to provide further for the use of the proceeds of such tax.

Was read a third time at length and passed.

Yeas 51; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Biddle, Blake, Bowling, Box, Brakefield, Brooks, Bryant, Carter, Coleman, Cosby, Davis, Escott,

Flowers, Freeman, Goodwin, Grimsley, Hammett, Hettinger, Johnson (Roy), Junkins, Kennedy, Lauderdale, Martin, Mathis, Melton, Minus, Moore, Nevett, Newman, Nicholson, Owens, Parker, Poole, Preuitt, Rains, Reed, Scott, Seibels, Smith, Starkey, Stout, Thornton, Trammell, Venable, White (L) and Wright.

—51

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 566. (With Amendment): Relating to Winston County; authorizing the Winston County Commission to levy an additional county privilege, license, or excise tax on the sale, distribution, storage, use or other consumption of tobacco and certain tobacco products in such county; providing for the collection and enforcement of the tax, and appropriating the proceeds therefrom.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 1, said committee amendment being as follows:

In Section 6, page 4, delete lines 8 and 9 and substitute therefor the following language:

into the county general fund to the account of the sheriff's Department, to be expended as directed by the sheriff.

And the amendment was adopted.

Yeas 29; Nays 0.

Yeas:

Mr. Speaker, Blakeney, Bowling, Brakefield, Brooks, Butler, Coleman, Cosby, Hettinger, Johnson (Roy), Junkins, Kennedy, Layton, Mathis, Newman, Nicholson, Owens, Parker, Poole, Preuitt, Rains, Reed, Richardson, Scott, Seibels, Smith, Venable, Waggoner and White (L)

—29

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

AMENDMENT OFFERED

Reps. Bowling and Brakefield offered the following amendment to the bill, S. 566 as amended:

In Section 6, page 4, delete lines 8 and 9 and substitute therefor the following language:

into the county general fund to the account of the sheriff's department, to be expended as directed by the sheriff.

The county governing body of Winston County shall pay an additional expense allowance to the sheriff, from the county general fund, in the sum of $5,873.08 for the purposes of clean-up costs from the period October 1, 1979 through March 31, 1983. Such expense allowance shall be supplemental to any and all other expense allowances or compensation whatsoever now or hereafter payable to the sheriff of Winston County.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 41; Nays 0.

Yeas:

Mr. Speaker, Bennett, Blakeney, Bowling, Brakefield, Brooks, Bryant, Butler, Carter, Coleman, Cosby, Escott, Goodwin, Grimsley, Grouby, Hammett, Hettinger, Johnson (Roy), Junkins, Lauderdale, McMillan, Martin, Mathis, Moore, Nevett, Newman, Nicholson, Parker, Penry, Poole, Preuitt, Rains, Reed, Richardson, Scott, Smith, Starr, Thomas, Venable, Warren and White (L).

—41

PRESENCE OF A QUORUM ASCERTAINED

The presenece of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, S. 566 as thus amended, was read a third time at length and passed.

Yeas 46; Nays 0.

Yeas:

Mr. Speaker, Bennett, Blakeney, Bowling, Brakefield, Brooks, Bryant, Butler, Carter, Coleman, Cosby, Escott, Faulk, Goodwin, Grimsley, Hammett, Hettinger, Johnson (A.L.), Johnson (Roy), Junkins, Kennedy, Langford, Lauderdale, Martin, Mathis, Mitchell, Moore, Nevett, Newman, Nicholson, Owens, Parker, Penry, Poole, Preuitt, Rains, Reed, Scott, Smith, Starkey, Starr, Thomas, Turner, Venable, Warren and White (L).

—46

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reproted that there was a quorum present.

And the bill:

S. 501. Relating to Etowah County, to grant the constable of the District Court an expense allowance.

Was read a third time at length and passed.

Yeas 45; Nays 0.

Yeas:

Mr. Speaker, Bennett, Blakeney, Bowling, Box, Brakefield, Bryant, Butler,

Carter, Clark, Coleman, Cosby, Escott, Ford, Goodwin, Grouby, Hammett, Johnson (A.L.), Johnson (Roy), Junkins, Kennedy, Langford, Lauderdale, Mathis, Mitchell, Moore, Nevett, Newman, Nicholson, Penry, Poole, Preuitt, Rains, Reed, Richardson, Scott, Smith, Starr, Thomas, Turner, Venable, Warren, White (F), White (L) and Wilson.

—45

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 562. Relating to Shelby County; to create a license-issuing division within the probate judge's office for the issuance of certain licenses; to provide for the selection of personnel for such license-issuing division; to provide certain duties for the division; to provide for an optional procedure for the renewal of motor vehicle licenses in the county by mail; to authorize certain additional fees and cost pursuant to such system of renewal of motor vehicle licenses by mail; such fees shall be set by the county commission from time to time to pay the cost of mailing tags or decals; to prescribe more convenient and efficient procedures for assessing and collecting of certain taxes; the issuance of licenses by the probate judge's office; to transfer certain duties now performed by the tax assessor and tax collector; to provide that the probate judge shall be a member of the Association of Tax Assessors and Tax Collectors; and to provide further for the expense allowance of the probate judge.

Was read a third time at length and passed.

Yeas 52; Nays 1.

Yeas:

Mr. Speaker, Ashley, Bennett, Blakeney, Bowling, Box, Brakefield, Brooks, Bryant, Butler, Carter, Clark, Coburn, Coleman, Cosby, Escott, Gaston, Goodwin, Grimsley, Grouby, Hammett, Hettinger, Holley, Johnson (A.L.), Johnson (Roy), Junkins, Kvalheim, Langford, Lauderdale, Mathis, Mitchell, Murphy, Nevett, Newman, Owens, Parker, Penry, Preuitt, Rains, Reed, Richardson, Scott, Seibels, Starkey, Starr, Thomas, Turner, Venable, Warren, White (F), White (L) and Wilson.

—52

Nays: Rep. Moore. —1

And the bill:

S. 385. To make a supplemental appropriation from the general fund in the state treasury to the office of the secretary of state for the fiscal year ending September 30, 1983.

Was read a third time at length and passed.

Yeas 92; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler,

Campbell, Carothers, Carter, Casey, Clark, Coburn, Coleman, Cosby, Crow, Davis, Drinkard, Escott, Flowers, Ford, Gaston, Goodwin, Grouby, Hammett, Harper, Harvey, Hettinger, Holley, Horn, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Langford, Lauderdale, Layton, Lewis, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

—92

And the bill:

S. 189. To amend Section 29-4-49, Code of Alabama 1975, which provides for the employment of legislative employees for the finance and taxation committee and the ways and means committee, so as to provide further for said employees.

Was read a third time at length and passed.

Yeas 92; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Bowling, Box, Brakefield, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Coburn, Coleman, Cosby, Crow, Davis, Drinkard, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hammett, Harper, Harvey, Hettinger, Holley, Horn, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Nevett, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Seibels, Smith, Starkey, Starr, Thomas, Thornton, Trammell, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

—92

And the bill:

S. 209. To prescribe procedures whereby a taxpayer may designate a contribution to a political party on his or her state income tax return.

Was taken up.

AMENDMENT OFFERED

Rep. Brooks offered the following amendment to the bill, S. 209:

Amend S. B. 209 on page 1, Section 2, Line(s) 19 & 20 by substituting, on line 19, "$5.00" for "$1.00" and by substituting, on line 20, "$10.00" for "$5.00".

Further, by adding Section 5 on line 31, which shall state:

AMENDMENT TABLED

On motion of Rep. Casey, the amendment offered by Rep. Brooks to the bill, S. 209, was tabled.

Yeas 85; Nays 6.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Blake, Blakeney, Boles, Box, Brakefield, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Davis, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Horn, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Laird, Langford, Lauderdale, Layton, Lewis, McMillan, Mathis, Melton, Mitchell, Moore, Nevett, Newman, Nicholson, Owens, Parker, Payne, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Smith, Starkey, Stout, Thomas, Thornton, Trammell, Tucker, Venable, Waggoner, Warren, White (F), White (L), Williams, Wright and Zoghby.

—85

Nays:

Reps.: Brooks, Murphy, Scott, Seibels, Starr and Turnham.

—6

And the bill, S. 209, was read a third time at length and passed.

Yeas 96; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Harper, Harvey, Hettinger, Holley, Horn, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, White (F), White (L), Wilson, Wright and Zoghby.

—96

And the bill:

S. 453. To amend Section 17-16-6, Code of Alabama 1975, which relates to the time and place for holding primary elections, except special primary elections and presidential preference primaries, so as to provide that primary elections shall be held on the first Tuesday in June, and a runoff election, if necessary, shall be held on the fourth Tuesday thereafter, effective June 5, 1984, and thereafter.

Was taken up.

MOTION TO INDEFINITELY POSTPONE LOST

The motion offered by Rep. Owens to indefinitely postpone the bill, S. 453, was lost.

Yeas 23; Nays 73.

Yeas:

Reps.: Brakefield, Brooks, Campbell, Cosby, Gaston, Kvalheim, Lewis,

McMillan, Manley, Minus, Murphy, Owens, Payne, Penry, Poole, Rice, Sasser, Scott, Seibels, Starr, Waggoner, Wilson and Wright.

—23

Nays:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Browder, Bryant, Buskey, Butler, Carothers, Carter, Casey, Clark, Coburn, Coleman, Crow, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Goodwin, Grimsley, Grouby, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Laird, Langford, Lauderdale, Layton, Martin, Mathis, Melton, Mitchell, Moore, Nevett, Newman, Parker, Preuitt, Rains, Reed, Richardson, Rogers, Smith, Starkey, Thomas, Thornton, Trammell, Tucker, Turner, Turnham, Warren, White (F), White (L), Williams and Zoghby.

—73

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the Report of the Committee on Conference appointed to reconcile the disagreement of the two Houses on the Senate amendment to the Bill:

H. 236. To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, for other functions of government, for interest on the public debt, and for capital outlay for the fiscal year ending September 30, 1984.

And said Bill, H. B. 236, together with the Conference Report, is herewith returned to the House.

McDOWELL LEE,
Secretary.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 236. To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, for other functions of government, for interest on the public debt, and for capital outlay for the fiscal year ending September 30, 1984.

And finds same correctly enrolled.

JOHN S. CASEY,
Chairman.

SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

S. 453 RESUMED

MOTION TO TEMPORARILY POSTPONE TABLED

On motion of Rep. Holmes, the motion offered by Rep. Cosby to temporarily postpone consideration of the bill, S. 453, was tabled.

Yeas 71; Nays 23.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Coburn, Coleman, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Ford, Goodwin, Grimsley, Grouby, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Langford, Lauderdale, Layton, Manley, Martin, Mathis, Melton, Moore, Nevett, Newman, Nicholson, Parker, Preuitt, Reed, Richardson, Rogers, Smith, Starkey, Stout, Thomas, Thornton, Trammell, Turner, Turnham, Warren, White (F), White (L), Williams and Zoghby.

—71

Nays:

Reps.: Brakefield, Brooks, Clikas, Cosby, Gaston, Hall, Kvalheim, Lewis, McMillan, Minus, Murphy, Owens, Payne, Penry, Poole, Rice, Sasser, Scott, Seibels, Starr, Waggoner, Wilson and Wright.

—23

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 762. To amend Act No. 82-569 so as to provide for payment of principal and interest on the public debt (1983 Refunding Bonds) for the fiscal year ended September 30, 1983.

Also:

H. 288. To amend Section 41-16-24 of the Code of Alabama 1975, relating to solicitation procedure for competitive bids on public contracts, so as to provide further for such procedure.

Also:

H. 300. To amend Code of Alabama 1975, Section 9-16-93(f) which places jurisdiction in the District Courts of the State by placing jurisdiction in the Circuit Courts of the State; to amend Section 9-16-94(a) which provides for mandatory assessment of civil penalties upon the issuance of cessation orders under Section 9-16-96(a) to correctly read Section 9-16-93(a); to amend Section 9-16-95(f) by providing for reasonable attorney and expert witness fees; to amend Section 9-16-99(2) which provides for waiver of certain requirements of this Article on surface mining areas affecting two acres or less; and to amend Section 9-16-75 relating to rule making procedures by providing that provisions in this Act shall take precedence over the provisions of the Alabama Administrative Procedure Act; and providing for an emergency rule making procedure; and to amend Section 9-16-79(1)(a) relating to hearings and appeals by providing that the provisions of this Act shall take precedence over the Alabama Administrative Procedure Act as

related to hearings and appeals; and to amend Section 9-16-87(d) relating to exploration permits by providing for a reclamation bond; and to amend Section 9-16-89(h) to clarify conditions for obtaining release of bonds; and to amend Section 9-16-90(b)(10)(b.1) to clarify performance standards; and to amend Section 9-16-92(a) by adding a provision authorizing entry on private land in the enforcement and administration of this Act; and to amend Section 9-16-94(e) by making willfully and knowingly engaging in surface coal mining operations without a license or a permit a criminal act and subject to criminal penalties and further providing for reclamation bond and reclamation of any land so affected; and to amend Section 9-16-105(a) to provide for the conformity of Federal and state laws and regulations.

McDOWELL LEE,
Secretary.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the thirtieth legislative day and finds the same to be correct.

JOHN CASEY,
Chairman.

On motion of Rep. Johnson, (Roy), the rules were suspended and the reading at length of the Journal of the House for the thirtieth legislative day was dispensed with and the Standing Committee on Rules was concurred in and adopted, and the Journal for the thirtieth legislative day was approved.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 693. To amend Act No. 81-1183, H. 71, 1981 3rd Special Session, which implements Amendment No. 394 to the Constitution of Alabama of 1901, providing for the Alabama Heritage Trust Fund, so as to provide further for the renovation and restoration of buildings in the main governmental complex.

Also:

H. 165. To amend Sections 5-17-2, 5-17-3, 5-17-10, 5-17-11, 5-17-12, 5-17-15, 5-17-16, and 5-17-22, Code of Alabama 1975, which provide for credit unions, so as to further provide for their organization and incorporation, for credit unions organized in other states, for the duties of boards of directors and officers, for the powers and duties of credit committees, for deposits made in the names of two or more persons, for the disposition of shares of deceased persons, and to provide for conversions of federal and state credit unions.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 510. SINE DIE ADJOURNMENT.

Also:

H. J. R. 522. NAMING THE ACTS THAT EACH HOUSE BILLS 56 AND 57, 1983 REGULAR SESSION BECOMES, BOTH RELATING TO THE PREVENTION OF CHILD ABUSE, "THE MARTIN-ALDRIDGE ACT."

Also:

H. J. R. 528. COMMENDING REPRESENTATIVE DUANE LEWIS OF BESSEMER ON HIS LEGISLATIVE LEADERSHIP AND EXTENDING BEST WISHES.

McDOWELL LEE,
Secretary.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 165. To amend Sections 5-17-2, 5-17-3, 5-17-10, 5-17-11, 5-17-12, 5-17-15, 5-17-16, and 5-17-22, Code of Alabama 1975, which provide for credit unions, so as to further provide for their organization and incorporation, for credit unions organized in other states, for the duties of boards of directors and officers, for the powers and duties of credit committees, for deposits made in the names of two or more persons, for the disposition of shares of deceased persons, and to provide for conversions of federal and state credit unions.

Also:

H. 288. To amend Section 41-16-24 of the Code of Alabama 1975, relating to solicitation procedure for competitive bids on public contracts, so as to provide further for such procedure.

Also:

H. 300. To amend Code of Alabama 1975, Section 9-16-93(f) which places jurisdiction in the District Courts of the State by placing jurisdiction in the Circuit Courts of the State; to amend Section 9-16-94(a) which provides for mandatory assessment of civil penalties upon the issuance of cessation orders under Section 9-16-96(a) to correctly read Section 9-16-93(a); to amend Section 9-16-95(f) by providing for reasonable attorney and expert witness fees; to amend Section 9-16-99(2) which provides for waiver of certain requirements of this Article on surface mining areas affecting two acres or less; and to amend Section 9-16-75 relating to rule making procedures by providing that provisions in this Act shall take precedence over the provisions of the Alabama Administrative Procedure Act; and providing for an emergency rule making procedure; and to amend Section 9-16-79(1)(a) relating to hearings and appeals by providing that the provisions of this Act

shall take precedence over the Alabama Administrative Procedure Act as related to hearings and appeals; and to amend Section 9-16-87(d) relating to exploration permits by providing for a reclamation bond; and to amend Section 9-16-89(h) to clarify conditions for obtaining release of bonds; and to amend Section 9-16-90(b)(10)(b.1) to clarify performance standards; and to amend Section 9-16-92(a) by adding a provision authorizing entry on private land in the enforcement and administration of this Act; and to amend Section 9-16-94(e) by making willfully and knowingly engaging in surface coal mining operations without a license or a permit a criminal act and subject to criminal penalties and further providing for reclamation bond and reclamation of any land so affected; and to amend Section 9-16-105(a) to provide for the conformity of Federal and state laws and regulations.

Also:

H. 693. To amend Act No. 81-1183, H. 71, 1981 3rd Special Session, which implements Amendment No. 394 to the Constitution of Alabama of 1901, providing for the Alabama Heritage Trust Fund, so as to provide further for the renovation and restoration of buildings in the main governmental complex.

Also:

H. 762. To amend Act No. 82-569 so as to provide for payment of principal and interest on the public debt (1983 Refunding Bonds) for the fiscal year ended September 30, 1983.

And finds same correctly enrolled.

JOHN S. CASEY,
Chairman.

SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bills and Senate Joint Resolutions, your signature thereto is requested:

S. J. R. 251. NAMING THE NEW BUSINESS AND EDUCATION BUILDING AT NORTHEAST ALABAMA STATE JUNIOR COLLEGE, THE "HARRY CAMPBELL BUSINESS AND EDUCATION BUILDING."

Also:

S. J. R. 253. NAMING THE HEALTH AND FINE ARTS BUILDING AT NORTHEAST ALABAMA STATE JUNIOR COLLEGE, THE W. M. BECK HEALTH AND FINE ARTS CENTER.

Also:

S. J. R. 271. URGE THE EXPEDITIOUS INSTALLATION OF THE NEW STATE GOVERNMENT TELECOMMUNICATIONS SYSTEM.

Also:

S. J. R. 335. CREATING A SELECT COMMITTEE TO STUDY PUBLIC EDUCATION IN TUSCALOOSA COUNTY.

Also:

S. 189. To amend Section 29-4-49, Code of Alabama 1975, which provides for the employment of legislative employees for the finance and taxation committee and the ways and means committee, so as to provide further for said employees.

Also:

S. 209. To prescribe procedures whereby a taxpayer may designate a contribution to a political party on his or her state income tax return.

Also:

S. 385. To make a supplemental appropriation from the general fund in the state treasury to the office of the secretary of state for the fiscal year ending September 30, 1983.

Also:

S. 501. Relating to Etowah County, to grant the constable of the District Court an expense allowance.

Also:

S. 557. Relating to Shelby County; providing further for the licensing of retailers of alcoholic beverages.

Also:

S. 559. Relating to Cullman County, to amend Sections 1 and 12 of Act No. 161, H. 182, 1973 Regular Session (Acts 1973, p. 202), which act levies a county hotel-motel lodging tax, so as to increase said tax, and to provide further for the use of the proceeds of such tax.

Also:

S. 562. Relating to Shelby County; to create a license-issuing division within the probate judge's office for the issuance of certain licenses; to provide for the selection of personnel for such license-issuing division; to provide certain duties for the division; to provide for an optional procedure for the renewal of motor vehicle licenses in the county by mail; to authorize certain additional fees and cost pursuant to such system of renewal of motor vehicle licenses by mail; such fees shall be set by the county commission from time to time to pay the cost of mailing tags or decals; to prescribe more convenient and efficient procedures for assessing and collecting of certain taxes; the issuance of licenses by the probate judge's office; to transfer certain duties now performed by the tax assessor and tax collector; to provide that the probate judge shall be a member of the Association of Tax Assessors and Tax Collectors; and to provide further for the expense allowance of the probate judge.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE BILLS AND SENATE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Bills and Senate Joint Resolutions, the titles of which are set out in the above and foregoing Message from the Senate.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolution, to-wit:

H. J. R. 510. Relative to Sine Die adjournment.

And finds same correctly enrolled.

JOHN S. CASEY,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolution, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 522. NAMING THE ACTS THAT EACH HOUSE BILLS 56 AND 57, 1983 REGULAR SESSION BECOMES, BOTH RELATING TO THE PREVENTION OF CHILD ABUSE, "THE MARTIN-ALDRIDGE ACT."

Also:

H. J. R. 528. COMMENDING REPRESENTATIVE DUANE LEWIS OF BESSEMER ON HIS LEGISLATIVE LEADERSHIP AND EXTENDING BEST WISHES.

And finds same correctly enrolled.

JOHN S. CASEY,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House Bills and House Joint Resolutions hereinafter mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 11:00 A.M. on August 1, 1983:

H. 56

H. 57

H. 148

H. 222

H. 287

H. 243

H. 244

H. 299

H. 301

H. 340

H. 420

H. 494

H. 509

H. 747

H. 815

H. 536

H. 826

H. 829

H. 245

H. J. R. 384

H. J. R. 386

H. J. R. 383

H. J. R. 395

H. J. R. 397

H. J. R. 478

Delivered to the Governor at 10:05 P.M. on August 1, 1983:

H. 587

Delivered to the Governor at 11:40 P.M. on August 1, 1983:

H. 236

Delivered to the Governor at 11:59 P.M. on August 1, 1983:

H. 165

H. 288

H. 300

H. 693

H. 762

H. J. R. 510

H. J. R. 522

H. J. R. 528

JOHN W. PEMBERTON,
Clerk.

ADJOURNMENT

On motion of Rep. Johnson (Roy) and pursuant to the resolution, H. J. R. 510, heretofore adopted, the House adjourned sine die at 11:59 o'clock p.m.

JOHN W. PEMBERTON
Clerk of the House of Representatives
of the Legislature of Alabama,
Regular Session, 1983.

HOUSE OF REPRESENTATIVES
REGULAR SESSION, 1983
ALPHABETICAL ROSTER AND DISTRICT NUMBER

Charles Adams, 66
Robert E. Albright, 20
Charles Ashley, 1
Jim Bennett, 33
Jack Bibble, III, 35
A. J. Blake, 56
Harrell Blakeney, 92
Hugh Boles, 42
W. C. (Bill) Bowling, 11
Michael E. Box, 97
Carl C. Brakefield, 12
Morris J. Brooks, Jr., 18
Glen Browder, 57
Jenkins Bryant, Jr., 86
James Buskey, 99
Tom Butler, 17
James M. Campbell, 59
Joe R. Carothers, Jr., 71
Tommy Carter, 16
John Casey, 60
William Clark, 98
Steve Clikas, Jr., 104
Tom C. Coburn, 3
Loyd Coleman, 26
W. F. (Noopie) Cosby, Jr., 85
Bobby C. Crow, 58
Patricia Davis, 36
Tom Drake, 10
Bill Drinkard, 29
Roger Dutton, 7
Sundra Escott, 45
Dwight Faulk, 84
Steve Flowers, 66
Joe Ford, 28
Dewayne Freeman, 19
Victor Gaston, 100
J. W. (Joe) Goodwin, 4
George Grimsley, 70
E. A. (Ed) Grouby, Jr., 82
Albert Hall, 22
Seth Hammett, 75
Taylor Harper, 105
Bob Harvey, 27
Steve R. Hettinger, 21
Jimmy W. Holley, 74
Alvin Holmes, 80
William Fred Horn, 39
Asbury Howard, 41
Albert L. (Al) Johnson, 65
Ron G. Johnson, 54
Roy W. Johnson, Jr., 47
Bobby M. Junkins, 30
Yvonne Kennedy, 103
Ken Kvalheim, 101
Richard Laird, 61
Charles Langford, 77
Jack B. Lauderdale, 5
George L. Layton, 34
Duane Lewis, 50
Bob McKee, 79
Stephen A. McMillan, 95
Richard S. Manley, 87
Charles B. Martin, 8
Nathan Mathis, 73
Bryant Melton, 46
Preston (Mann) Minus, Jr., 90
Earl Mitchell, 89
Sonny Moore, 52
Don Murphy, 49
C. Howard Nevett, 37
Max Newman, 6
Tom Nicholson, 13
Walter Owens, 48
Paul Parker, 9
Arthur Payne, 15
Walter E. Penry, Jr., 94
Phil Poole, 88
Jim Preuitt, 55
T. Euclid Rains, Sr., 25
Thomas Reed, 67
John Rice, 64
Ben T. Richardson, 23
John W. Rogers, 38
James G. Sasser, 69
Van Scott, 31
George Seibels, Jr., 32
Curtis Smith, 53
Nelson R. Starkey, Jr., 2
John C. Starr, Jr., 78
J. David Stout, 24
James Louis Thomas, 83
Jarushia Thornton, 44
Hoyt Trammell, 40
Jerome Tucker, 43
J. E. Turner, 96
Pete Turnham, 63
Jack Venable, 76
J. T. (Jabo) Waggoner, 51
Jimmy Warren, 93
Frank P. White, 91
Thomas Lester White, 62
Nolan Williams, 72
Ham Wilson, Jr., 81
Jim Wright, 14
Mary Zoghby, 102

ROSTER OF THE HOUSE OF REPRESENTATIVES OF ALABAMA 1983 REGULAR SESSION

TOM DRAKE, *Speaker,* Cullman

ROY JOHNSON
Speaker Pro-Tem, Tuscaloosa

JOHN W. PEMBERTON, *Clerk,* Montgomery

LOIS F. ALLEN, *Chief Clerk,* Montgomery

MEMBERS OF THE HOUSE

Dist. No.	Counties	Name	Address
1	LAUDERDALE	Charles Ashley	Rt. 3, Box 240, Killen 35645
2	LAUDERDALE	Nelson Starkey	158 Cedarcrest Dr., Florence 35630
3	COLBERT, LAUDERDALE	Tom Coburn	1107 E 3rd St., Tuscumbia 35674
4	COLBERT, FRANKLIN	J. W. (Joe) Goodwin	310 Ford Rd., Muscle Shoals 35660
5	FRANKLIN, MARION	Jack Lauderdale	Route One, Box 238, Hamilton 35570
6	FAYETTE, LAMAR, MARION	Max Newman	P. O. Box 428, Millport 35576
7	LAWRENCE, MORGAN	Roger Dutton	RR No. 2, Box 32, Trinity 35673
8	MORGAN	Charles Martin	1716 Camellia D., SW, Decatur 35601
9	MORGAN	Paul Parker	303 N. Douglas, Hartselle 35640
10	CULLMAN, MORGAN	Tom Drake	P. O. Box 1165, Cullman 35055
11	CULLMAN, WINSTON	W. C. (Bill) Bowling	Route 2, Box 349, Hanceville 3507
12	WALKER, WINSTON	Carl Brakefield	P. O. Box G, Carbon Hill 35549
13	WALKER	Tom Nicholson	P. O. Box 248, Jasper 35501

14 BLOUNT, JEFFERSON
Jim Wright 4005 Harris Ave., Adamsville 35005

15 JEFFERSON, ST. CLAIR
Arthur Payne 2825 2nd St., NW, Birmingham 35215

16 LIMESTONE
Tommy Carter Route 2, Box 72, Elkmont 35620

17 LIMESTONE, MADISON
Tom Butler 1803 Forney Dr., Huntsville 35805

18 MADISON
Morris Brooks 9009 Randall, Huntsville 35802

19 MADISON
Dewayne Freeman 366 Jack Coleman Dr., Huntsville 35805

20 MADISON
Robert E. Albright 2024 Stanhope Dr., NE, Huntsville 35811

21 MADISON
Steve R. Hettinger P. O. Box 614, Huntsville 35804

22 JACKSON, MADISON
Albert Hall P. O. Box 275, Gurley 35748

23 DEKALB, JACKSON
Ben T. Richardson P. O. Box 1017, Scottsboro 35768

24 DEKALB
J. David Stout P. O. Box 1106, Fort Payne 35967

25 DEKALB, MARSHALL
T. Euclid Rains, Sr. Rt. 1, Box 326, Albertville 35950

26 MARSHALL
T. Loyd Coleman P. O. Box 67, Arab 35016

27 BLOUNT, ETOWAH, MARSHALL
Bob Harvey Rt. 4, Box 708, Oneonta 35121

28 ETOWAH
Joe Ford 1316 Kentucky Avenue, East Gadsden 35903

29 ETOWAH
Bill Drinkard P. O. Box 372, Gadsden 35902

30 CHEROKEE, ETOWAH
Bobby M. Junkins 254 College Street, Gadsden 35999

31 JEFFERSON
Van Scott 3100 Guilford Road, Birmingham 35223

32 JEFFERSON
George Seibels, Jr. 4016 10th Avenue South, Birmingham 35222

33 JEFFERSON
Jim Bennett 1524 Valley Ave., Homewood 35209

34 JEFFERSON
George L. Layton 2305 5th Place, N.W., Center Point, Birmingham 35215

35 JEFFERSON
Jack Biddle, III 2256 Pinehurst Dr., Gardendale 35071

36 JEFFERSON
Pat Davis 9312 Sears Drive, Birmingham 35206

37 JEFFERSON
C. Howard Nevett 5028 Parkway Ave., Fairfield 35064

38 JEFFERSON
John W. Rogers 1424 18th Street, S.W., Birmingham 35211

39 JEFFERSON
William Fred Horn 333 16th Avenue, S.W., Birmingham 35211

40 JEFFERSON
Hoyt W. Trammell Route 15, Box 247, Birmingham 35224

41 JEFFERSON
Asbury Howard 1930 Exeter Avenue, Bessemer 35020

42 JEFFERSON, WALKER
Hugh Boles 1036 Normandale Circle, Hueytown 35020

43 JEFFERSON
Jerome Tucker 1722 2121 Bldg., 8th Avenue N., Birmingham 35203

44 JEFFERSON
Jarushia Thornton 1232 Twelfth Court North, Birmingham 35204

45 JEFFERSON
Sundra E. Escott P. O. Box 8172, Birmingham 35218

46 TUSCALOOSA
Bryant Melton 4129 20th Street, Tuscaloosa 35401

47 TUSCALOOSA
Roy W. Johnson, Jr. 4501 20th St., N.E., Tuscaloosa 35404

48 BIBB, TUSCALOOSA
Walter Owens 107 Court Square, West Centreville 35042

49 JEFFERSON, SHELBY
Don Murphy 2559 North Chandalar Lane, Pelham 35124

50 JEFFERSON
Duane Lewis 1129 4th Ave. N., Bessemer 35020

51 JEFFERSON
J. T. "Jabo" Waggoner P. O. Box 10566, Birmingham 35296

52 JEFFERSON, SHELBY, TALLADEGA
Sonny Moore P. O. Box 44, Sterrett 35147

53 CHILTON, SHELBY
Curtis Smith Rt. 3, Box 118, Clanton 35045

54 COOSA, TALLADEGA
Ron G. Johnson Rt. 5, Box 17, Sylacauga 35150

55 TALLADEGA
Jim Preuitt P. O. Box 1063, Talladega 35160

56 ST. CLAIR
A. J. Blake Rt. 1, Box 206A, Pell City 35125

57 CALHOUN
Glen Browder Rt. 2, Box 316, Jacksonville 36265

58 CALHOUN
Bobby C. Crow Rt. 10, Box 842, Anniston 36201

59 CALHOUN
James M. Campbell P. O. Box 2003, Anniston 36202

60 CALHOUN, CLAY, CLEBURNE, TALLADEGA
John Casey 207 Duke Drive, Heflin 36264

61 CHAMBERS, RANDOLPH
Richard Laird 46 Randolph Plaza, Roanoke 36274

62 TALLAPOOSA
Thomas Lester White 739 Freeman Street, Dadeville 36853

63 CHAMBERS, LEE, TALLAPOOSA
Pete Turnham Box 1592, Auburn 36830

64 CHAMBERS, LEE
John Rice P. O. Box 2432, Opelika 36801

65 LEE, RUSSELL
Albert L. Johnson P. O. Box 1126, Phenix City 36867

66 RUSSELL
Charles Adams P. O. Box 967, Phenix City 36867

67 BULLOCK, MACON
Thomas Reed Drawer EE, Tuskegee Institute, Tuskegee 36088

68 BARBOUR, PIKE
J. Steve Flowers P. O. Box 973, Troy 36081

69 BARBOUR, DALE, HENRY
James G. Sasser P. O. Box 1279, Ozark 36361

70 BARBOUR, HENRY, HOUSTON
George Grimsley Rt. 1, Box 69, Columbia 36319

71 HOUSTON
Joe Carothers, Jr. Rt. 8, Box 33, Dothan 36310

72 DALE, HOUSTON
Nolan Williams P. O. Box 6947, Dothan 36301

73 COFFEE, GENEVA, HOUSTON
Nathan Mathis P. O. Drawer L, Slocomb 36375

74 COFFEE
Jimmy W. Holley Rt. 3, Box 191E, Elba 36323

75 COVINGTON
Seth Hammett P. O. Box 1418, Andalusia 36420

76 ELMORE
Jack Venable P. O. Box 736, Tallassee 36078

77 MONTGOMERY
Charles D. Langford 918 E. Grove Street, Montgomery 36104

78 MONTGOMERY
John Starr, Jr. P. O. Box 7426, Montgomery 36107

79 MONTGOMERY
Bob McKee P. O. Box 424, Montgomery 36101

80 MONTGOMERY
Alvin Holmes P. O. Box 6064, Montgomery 36106

81 MONTGOMERY
Ham Wilson, Jr. P. O. Box 238, Montgomery 36106

82 AUTAUGA, ELMORE
E. A. Grouby, Jr. P. O. Box 188, Prattville 36067

83 DALLAS, LOWNDES, MONTGOMERY, WILCOX
James L. Thomas Rt. 2, Box 509, Hayneville 36040

84 BUTLER, CRENSHAW
Dwight Faulk Rt. 2, Box 90, Honoraville 36042

85 AUTAUGA, DALLAS
W. F. Noopie Cosby, Jr. 5 Citizens Parkway, Selma 36701

86 DALLAS, PERRY, WILCOX
Jenkins Bryant, Jr. Rt. 1, Box 126, Newbern 36765

87 HALE, MARENGO
Richard S. (Rick) Manley P. O. Drawer U, Demopolis 36732

88 HALE, GREENE, PICKENS, TUSCALOOSA
Phil Poole P. O. Box 207, Moundville 35474

89 PICKENS, TUSCALOOSA
Earl Mitchell P. O. Box 426, Northport 35476

90 CHOCTAW, GREENE, SUMTER
Preston "Mann" Minus, Jr. P. O. Box 312, Livingston 35470

91 ESCAMBIA
Frank P. White Rt. 1, Box 193-B, Pollard, Flomaton 36441

92 BALDWIN, CLARKE, WASHINGTON
Harrell Blakeney 1101 Old Hwy 5, South Thomasville 36784

93 CONECUH, MONROE
J. E. (Jimmy) Warren P. O. Box 207, Castleberry 36432

94 BALDWIN
Walter E. Penry, Jr. Rt. 2, Box 286, Daphne 36526

95 BALDWIN
Stephen A. (Steve) McMillan P. O. Box 337, Bay Minette 36507

96 MOBILE, WASHINGTON
J. E. Turner P. O. Box 777, Citronelle 36522

97 MOBILE
Michael E. Box 133 Louiselle Street, Mobile 36690

98 MOBILE
William Clark P. O. Box 10434, Prichard 36610

99 MOBILE
James Buskey 2207 Barretts Lane, Mobile 36617

100 MOBILE
Victor Gaston 864 West Parkwood Dr., Mobile 36608

101 MOBILE
Ken Kvalheim 421 Dogwood Dr., Mobile 36609

102 MOBILE
Mary Zoghby 2862 Hilburn Drive, Mobile 36606

103 MOBILE
Yvonne Kennedy 1205 Glennon Ave., Mobile 36603

104 MOBILE
Steve Clikas P. O. Box 9436, Mobile 36609

105 MOBILE
Taylor Harper P. O. Box 229, Grand Bay 36541

ROSTER OF THE
SENATE OF ALABAMA
REGULAR SESSION, 1983

Bill Baxley, *Lieutenant Governor*
State Capitol, Montgomery

John A. Teague, *President Pro-Tem*
Childersburg

McDowell Lee, *Secretary*
Montgomery

John D. Crawford, *Assistant Secretary*
Montgomery

Mrs. William R. Lawley, Jr., *Chief Clerk*
Montgomery

DISTRICT NO. 1
Bobby Denton Bank Independent, P. O. Drawer B, Sheffield 35660

DISTRICT NO. 2
Roger Bedford Box 669, Russellville 35653

DISTRICT NO. 3
Gary Aldridge 215 E. Moulton, Decatur 35601

DISTRICT NO. 4
Steve Cooley P. O. Box 1186, Cullman 35055

DISTRICT NO. 5
Charles Bishop P. O. Box 2328, Jasper 35501

DISTRICT NO. 6
Jim Smith 108-A South Side Square, Huntsville 35801

DISTRICT NO. 7
Bill Smith 2009 Gallatin St., S.W., Huntsville 35801

DISTRICT NO. 8
Lowell Barron Box 65, Fyffe 35971

DISTRICT NO. 9
Hinton Mitchem P. O. Box 297, Albertville 35950

DISTRICT NO. 10
Larry Keener 816 Chestnut Street, Gadsden 35999-2701

DISTRICT NO. 11
Bill Cabaniss, Jr. P. O. Box 57032, Birmingham 35259

DISTRICT NO. 12
John Amari 9636 Parkway East, Birmingham 35215

DISTRICT NO. 13
J. Richmond Pearson P. O. Box 11135, Birmingham 35202

DISTRICT NO. 14
Mac Parsons 1285 E. Hueytown Rd., Hueytown 35023

DISTRICT NO. 15
Earl F. Hilliard P. O. Box 11385, Birmingham 35202

DISTRICT NO. 16
Ryan deGraffenried, Jr. Box 2427, Tuscaloosa 35403

DISTRICT NO. 17
Spencer Bachus 930 First Ala. Bank Bldg.
Birmingham 35203

DISTRICT NO. 18
Lister Hill Proctor 121 N. Norton Ave.,
Sylacauga 35150

DISTRICT NO. 19
John Teague Box 427, Childersburg 35044

DISTRICT NO. 20
Donald Holmes 1916 Robinhood Dr., Oxford 36203

DISTRICT NO. 21
Ted Little P. O. Box 2366, Auburn 36830

DISTRICT NO. 22
Danny Corbett Rt. 4, Box 821, Phenix City 36867

DISTRICT NO. 23
Foy Covington, Jr. Rt. 2, Newville 36353

DISTRICT NO. 24
Chip Bailey P. O. Box 6791, Dothan 36302

DISTRICT NO. 25
Crum Foshee 310 Baisden St., Andalusia 36420

DISTRICT NO. 26
Don Harrison 33 S. Perry, Montgomery 36104

DISTRICT NO. 27
Larry Dixon P. O. Box 946, Montgomery 36102

DISTRICT NO. 28
Wendell Mitchell P. O. Box 225, Luverne 36049

DISTRICT NO. 29
Earl Goodwin Box 886, Selma 36701

DISTRICT NO. 30
Ed Robertson 13-A Northwood Lake, Northport 35476

DISTRICT NO. 31
Reo Kirkland, Jr. P. O. Box 646, Brewton 36427

DISTRICT NO. 32
Jerry Boyington Rt. 1, Box 30-A, Fairhope 36532

DISTRICT NO. 33
Michael A. Figures 2317 St. Stephens Rd.,
Mobile 36617

DISTRICT NO. 34
Ann Bedsole P. O. Box 16642, Mobile 36616

DISTRICT NO. 35
Bill Menton..... Rt. 2, Box 171, Irvington 36544

LEGISLATIVE DAYS
REGULAR SESSION, 1983

Legislative Days—Calendar Days	*Page*
FIRST DAY—Tuesday, April 19	3
SECOND DAY—Thursday, April 21	92
THIRD DAY—Tuesday, April 26	123
FOURTH DAY—Wednesday, April 27	160
FIFTH DAY—Tuesday, May 3	181
SIXTH DAY—Thursday, May 5	234
SEVENTH DAY—Tuesday, May 10	279
EIGHTH DAY—Thursday, May 12	312
NINTH DAY—Tuesday, May 17	343
TENTH DAY—Thursday, May 19	380
ELEVENTH DAY—Tuesday, May 24	393
TWELFTH DAY—Thursday, May 26	423
THIRTEENTH DAY—Tuesday, May 31	475
FOURTEENTH DAY—Thursday, June 2	534
FIFTEENTH DAY—Tuesday, June 7	555
SIXTEENTH DAY—Thursday, June 9	595
SEVENTEENTH DAY—Tuesday, June 14	642
EIGHTEENTH DAY—Thursday, June 16	758
NINETEENTH DAY—Tuesday, June 21	826
TWENTIETH DAY—Wednesday, June 22	900
TWENTY-FIRST DAY—Thursday, June 23	919
TWENTY-SECOND DAY—Tuesday, June 28	973
TWENTY-THIRD DAY—Wednesday, June 29	1021
TWENTY-FOURTH DAY—Thursday, June 30	1091
TWENTY-FIFTH DAY—Tuesday, July 12	1180
TWENTY-SIXTH DAY—Wednesday, July 13	1300
TWENTY-SEVENTH DAY—Thursday, July 14	1380
TWENTY-EIGHTH DAY—Friday, July 22	1538
TWENTY-NINTH DAY—Monday, July 25	1680
THIRTIETH DAY—Monday, August 1	1936

HOUSE BILLS NUMERICALLY

1983 REGULAR SESSION

H. 1—p. 5
H. 2—p. 6
H. 3—p. 6
H. 4—p. 6
H. 5—p. 6
H. 6—p. 6
H. 7—p. 6
H. 8—p. 7, 435
H. 9—p. 7
H. 10—p. 7
H. 11—p. 7
H. 12—p. 7
H. 13—p. 7, 130, 204, 1460, 1470, 1536
H. 14—p. 7
H. 15—p. 8
H. 16—p. 8
H. 17—p. 8
H. 18—p. 8
H. 19—p. 8
H. 20—p. 8, 396, 809, 811, 1535, 1541, 1679
H. 21—p. 9, 1031, 1116, 1465, 1472, 1537
H. 22—p. 9
H. 23—p. 9
H. 24—p. 10, 127, 303
H. 25—p. 10
H. 26—p. 10
H. 27—p. 10, 604, 1289
H. 28—p. 10
H. 29—p. 10, 103, 150, 202, 271, 1460, 1470, 1536
H. 30—p. 11
H. 31—p. 11, 103, 150, 202, 271, 1460, 1470, 1537
H. 32—p. 11
H. 33—p. 11, 103, 345, 806, 811, 812, 813
H. 34—p. 11
H. 35—p. 11
H. 36—p. 11, 129, 345, 771, 772
H. 37—p. 12
H. 38—p. 12, 103, 150, 203, 272, 302, 333, 334, 1533, 1534, 1541, 1679
H. 39—p. 12, 104, 150, 203, 272, 1460, 1470, 1537
H. 40—p. 12
H. 41—p. 13
H. 42—p. 13, 243
H. 43—p. 13
H. 44—p. 13, 105, 158, 203, 272, 302, 335, 364, 450, 477, 544, 1227, 1268, 1299
H. 45—p. 13, 106, 158, 203, 272, 302, 335, 364, 450, 481, 569, 616, 665, 885, 886, 1191, 1221, 1299
H. 46—p. 14
H. 47—p. 14
H. 48—p. 14, 1357
H. 49—p. 14
H. 50—p. 14
H. 51—p. 14

HOUSE BILLS NUMERICALLY (Continued)

H. 52—p. 15, 163
H. 53—p. 15, 164, 206, 1529, 1541, 1679
H. 54—p. 15, 126, 344, 550, 552
H. 55—p. 15, 126, 344, 551, 552, 619, 1535, 1541, 1679
H. 56—p. 15, 162, 1165, 1166, 1898, 1938, 2078
H. 57—p. 16, 162, 1166, 1167, 1899, 1938, 2078
H. 58—p. 16, 103
H. 59—p. 16, 103
H. 60—p. 16
H. 61—p. 16, 243
H. 62—p. 17, 243
H. 63—p. 17, 398, 1301
H. 64—p. 17
H. 65—p. 17
H. 66—p. 17, 1027
H. 67—p. 17, 1361
H. 68—p. 17, 243, 345, 804, 805
H. 69—p. 17, 1351
H. 70—p. 18
H. 71—p. 18
H. 72—p. 18, 427, 782, 784, 1668, 1669, 1692, 1934
H. 73—p. 18, 101, 344, 526
H. 74—p. 19, 1361
H. 75—p. 19, 128, 304
H. 76—p. 19
H. 77—p. 19, 128, 777, 778
H. 78—p. 20
H. 79—p. 20, 128, 633
H. 80—p. 20, 163
H. 81—p. 20, 315
H. 82—p. 20, 920
H. 83—p. 20, 244
H. 84—p. 20, 346, 437, 902, 939, 1578, 1579, 1594, 1680
H. 85—p. 21, 346, 569, 1527, 1541, 1679
H. 86—p. 21
H. 87—p. 21
H. 88—p. 21
H. 89—p. 21, 130, 1129
H. 90—p. 22
H. 91—p. 22
H. 92—p. 22
H. 93—p. 22
H. 94—p. 22, 477, 1367
H. 95—p. 22, 130, 204, 828, 828, 899
H. 96—p. 23
H. 97—p. 23, 1354
H. 98—p. 23, 130, 204, 580, 586, 594
H. 99—p. 23, 239
H. 100—p. 23
H. 101—p. 23, 163
H. 102—p. 24, 131, 205, 1681, 1727, 1934
H. 103—p. 24, 102, 1298
H. 104—p. 24
H. 105—p. 24, 127, 345, 798, 799
H. 106—p. 24, 240

HOUSE BILLS NUMERICALLY (Continued)

H. 107—p. 24
H. 108—p. 25
H. 109—p. 25
H. 110—p. 25, 240, 1301, 1302
H. 111—p. 25, 104, 151, 1681, 1727, 1934
H. 112—p. 25, 104, 151, 1319, 1335, 1379
H. 113—p. 26, 130
H. 114—p. 26
H. 115—p. 26, 127
H. 116—p. 26, 982
H. 117—p. 26, 236, 1067, 1069
H. 118—p. 27
H. 119—p. 27, 104, 151, 1460, 1470, 1537
H. 120—p. 27, 104, 152, 1460, 1470, 1537
H. 121—p. 27, 505
H. 122—p. 27
H. 123—p. 28
H. 124—p. 28
H. 125—p. 28
H. 126—p. 28, 129, 1117, 1524, 1526, 1541, 1679
H. 127—p. 28, 104, 152, 302, 308, 342
H. 128—p. 28, 126, 344, 530, 827, 828, 899
H. 129—p. 29, 314, 382, 952, 953, 973
H. 130—p. 29, 314, 383, 952, 953, 973
H. 131—p. 30, 104, 153, 1460, 1471, 1537
H. 132—p. 30, 104, 153, 1460, 1471, 1537
H. 133—p. 30, 313, 806, 807, 1566, 1575, 1679
H. 134—p. 30, 239, 344, 800
H. 135—p. 30, 104, 153, 1461, 1471, 1537
H. 136—p. 31
H. 137—p. 31, 394
H. 138—p. 31, 315
H. 139—p. 31
H. 140—p. 31
H. 141—p. 31
H. 142—p. 32, 102, 345, 495, 1379, 1388, 1536
H. 143—p. 32, 398, 1164
H. 144—p. 32, 398, 1164
H. 145—p. 32, 429
H. 146—p. 32, 428
H. 147—p. 33
H. 148—p. 33, 244, 345, 801, 804, 1672, 1908, 1911, 1938, 2078
H. 149—p. 33, 241, 1060, 1061, 1063, 1067
H. 150—p. 34
H. 151—p. 34, 237, 1304, 1305
H. 152—p. 34, 603, 1150, 1153
H. 153—p. 34
H. 154—p. 34, 240, 1134, 1135
H. 155—p. 35, 429
H. 156—p. 35, 429
H. 157—p. 35, 316
H. 158—p. 35
H. 159—p. 35
H. 160—p. 35
H. 161—p. 36

HOUSE BILLS NUMERICALLY (Continued)

H. 162—p. 36
H. 163—p. 36, 399, 633, 669, 675, 678, 685, 757, 1420, 1421, 1445, 1477, 1479, 1516, 1536, 1538
H. 164—p. 36
H. 165—p. 36, 163, 1119, 2073, 2074, 2079
H. 166—p. 37
H. 167—p. 37
H. 168—p. 37
H. 169—p. 37, 245
H. 170—p. 37
H. 171—p. 37
H. 172—p. 38
H. 173—p. 38
H. 174—p. 38, 130, 1129
H. 175—p. 38
H. 176—p. 38
H. 177—p. 38
H. 178—p. 38, 314
H. 179—p. 39
H. 180—p. 39, 130, 1591, 1592
H. 181—p. 39, 131, 205, 580, 586, 594
H. 182—p. 39
H. 183—p. 39, 106, 158, 159, 203, 272, 1681, 1727, 1934
H. 184—p. 40, 106, 158, 1681, 1727, 1934
H. 185—p. 40, 106, 203, 273
H. 186—p. 40
H. 187—p. 40, 105, 156, 1461, 1469, 1537
H. 188—p. 41
H. 189—p. 41
H. 190—p. 41, 1335
H. 191—p. 41, 129, 1276, 1660, 1689, 1933
H. 192—p. 41, 100
H. 193—p. 41, 100
H. 194—p. 42, 102
H. 195—p. 42, 102, 1169, 1170
H. 196—p. 42, 237, 1307, 1308
H. 197—p. 42, 345
H. 198—p. 42, 102, 303, 1160, 1161, 1167, 1180
H. 199—p. 42, 241, 1175
H. 200—p. 43
H. 201—p. 43
H. 202—p. 43
H. 203—p. 43, 318
H. 204—p. 44, 903
H. 205—p. 44
H. 206—p. 44, 104, 154
H. 207—p. 44, 315
H. 208—p. 44
H. 209—p. 44
H. 210—p. 45
H. 211—p. 45
H. 212—p. 45, 1027
H. 213—p. 45, 103
H. 214—p. 45, 127, 781, 1497, 1516, 1537

HOUSE BILLS NUMERICALLY (Continued)

H. 215—p. 46, 101, 1072, 1074, 1075
H. 216—p. 46, 903
H. 217—p. 46
H. 218—p. 46, 984, 1044, 1682, 1728, 1934
H. 219—p. 46, 239
H. 220—p. 47, 106, 203, 1683, 1728, 1934
H. 221—p. 47, 317, 367, 1683, 1728, 1934
H. 222—p. 47, 984, 1045, 1046, 1925, 1926, 1938, 2078
H. 223—p. 47, 106, 203, 1708, 1737, 1935
H. 224—p. 48, 163, 620, 1675, 1676, 1693, 1934
H. 225—p. 48, 105, 154, 453, 461, 474
H. 226—p. 48, 131, 206, 521, 790, 797, 826
H. 227—p. 49, 244, 1114, 1115
H. 228—p. 49, 102
H. 229—p. 49
H. 230—p. 49, 435, 1588, 1589
H. 231—p. 49, 103, 1305, 1306, 1666, 1689, 1933
H. 232—p. 50
H. 233—p. 50, 315, 1043, 1141
H. 234—p. 50, 130, 1274, 1275
H. 235—p. 50, 606
H. 236—p. 50, 603, 688, 765, 768, 769, 770, 770, 1795, 1889, 1894, 1946, 2041, 2043, 2071, 2071, 2078
H. 237—p. 51, 761, 868, 1682, 1728, 1934
H. 238—p. 51, 761, 869, 1682, 1728, 1934
H. 239—p. 51, 761, 869, 1682, 1728, 1934
H. 240—p. 51, 761, 870, 1682, 1728, 1934
H. 241—p. 51, 761, 870, 871, 1683, 1728, 1934
H. 242—p. 51, 100, 228
H. 243—p. 51, 100, 174, 1911, 1916, 1939, 2078
H. 244—p. 51, 100, 230, 233, 259, 268, 1889, 1890, 1891, 1939, 2078
H. 245—p. 51, 761, 833, 863, 865, 868, 868, 869, 1753, 1793, 1794, 1795, 1941, 2078
H. 246—p. 52, 238, 626, 1341, 1342, 1374, 1379
H. 247—p. 52, 236, 449, 944, 956, 958, 959
H. 248—p. 52, 100, 170, 1099, 1100, 1104, 1180
H. 249—p. 52, 237, 628
H. 250—p. 52, 100, 132
H. 251—p. 52
H. 252—p. 52, 100, 169, 172, 1746, 1748, 1936
H. 253—p. 53, 129
H. 254—p. 53
H. 255—p. 53
H. 256—p. 53
H. 257—p. 53, 1381
H. 258—p. 53, 105, 155, 1708, 1733, 1935
H. 259—p. 54
H. 260—p. 54, 101, 180, 1746, 1748, 1936
H. 261—p. 54
H. 262—p. 54, 426
H. 263—p. 54, 127, 345, 778, 799
H. 264—p. 55, 650, 1011, 1019, 1050, 1054, 1059, 1500, 1502, 1565, 1722, 1726, 1742, 1743, 1936
H. 265—p. 55, 1184

HOUSE BILLS NUMERICALLY (Continued)

H. 266—p. 55
H. 267—p. 55
H. 268—p. 56, 605
H. 269—p. 56, 128, 773
H. 270—p. 56
H. 271—p. 56
H. 272—p. 56
H. 273—p. 56
H. 274—p. 56, 1383
H. 275—p. 57, 237, 1175, 1666, 1689, 1933
H. 276—p. 57, 535, 778
H. 277—p. 57
H. 278—p. 57, 127, 1153
H. 279—p. 57, 315, 1303, 1304
H. 280—p. 57, 101, 785, 787, 1379, 1388, 1536
H. 281—p. 57, 101, 787, 788, 1379, 1388, 1536
H. 282—p. 58
H. 283—p. 58, 604, 940, 944, 959, 960, 962, 963, 964, 965, 999, 1001, 1002
H. 284—p. 58
H. 285—p. 58, 1024
H. 286—p. 58, 101, 790, 1666, 1689, 1933
H. 287—p. 59, 101, 218, 1746, 1749, 1918, 1919, 1938, 2078
H. 288—p. 59, 240, 791, 2072, 2074, 2079
H. 289—p. 59
H. 290—p. 59
H. 291—p. 59
H. 292—p. 59, 433
H. 293—p. 60, 314, 616
H. 294—p. 60
H. 295—p. 60, 1382
H. 296—p. 60, 242, 496, 500, 501, 505, 515, 1226, 1227, 1268, 1595, 1597, 1665, 1688, 1933
H. 297—p. 60, 238, 620, 1666, 1689, 1933
H. 298—p. 61, 128, 631
H. 299—p. 61, 128, 1267, 1895, 1939, 2078
H. 300—p. 107, 239, 1284, 2072, 2074, 2079
H. 301—p. 107, 243, 1243, 1898, 1939, 2078
H. 302—p. 107
H. 303—p. 107, 243
H. 304—p. 108, 131, 206, 828, 829, 899
H. 305—p. 108, 434, 1131
H. 306—p. 108, 128, 788
H. 307—p. 108, 435, 1132
H. 308—p. 109, 128, 780
H. 309—p. 109, 345
H. 310—p. 109
H. 311—p. 109, 903
H. 312—p. 109, 347, 452, 570
H. 313—p. 110, 315, 1162, 1163
H. 314—p. 110
H. 315—p. 110
H. 316—p. 110, 182, 274, 1683, 1728, 1934
H. 317—p. 111, 243, 1273
H. 318—p. 111

HOUSE BILLS NUMERICALLY (Continued)

H. 319—p. 111
H. 320—p. 111, 242, 1286, 1288
H. 321—p. 111
H. 322—p. 111, 347
H. 323—p. 112, 129, 1133, 1565, 1575, 1680
H. 324—p. 112, 347, 491, 571, 572
H. 325—p. 112, 604
H. 326—p. 112
H. 327—p. 112, 164, 207
H. 328—p. 112, 537, 577, 1708, 1733, 1935
H. 329—p. 113, 163, 1311
H. 330—p. 113
H. 331—p. 113
H. 332—p. 113
H. 333—p. 113
H. 334—p. 113
H. 335—p. 113, 281, 335, 1461, 1471, 1537
H. 336—p. 114
H. 337—p. 114
H. 338—p. 114
H. 339—p. 114, 431, 1317, 1320, 1329
H. 340—p. 115, 125, 208, 216, 220, 1899, 1907, 1939, 2078
H. 341—p. 115
H. 342—p. 115, 313, 893, 894
H. 343—p. 115, 1184
H. 344—p. 116, 242, 1143, 1144
H. 345—p. 116
H. 346—p. 116, 281, 336, 1461, 1471, 1537
H. 347—p. 116, 1024, 1154, 1156
H. 348—p. 116
H. 349—p. 116
H. 350—p. 117, 436, 576, 1191, 1221, 1299
H. 351—p. 117
H. 352—p. 118
H. 353—p. 118, 426
H. 354—p. 118, 314
H. 355—p. 118, 437, 1314, 1315
H. 356—p. 118
H. 357—p. 118
H. 358—p. 118
H. 359—p. 119
H. 360—p. 119, 399, 809, 813
H. 361—p. 119, 238, 384, 582, 587, 595
H. 362—p. 119, 238, 385
H. 363—p. 119, 238, 385, 582, 587, 595
H. 364—p. 119, 238, 385, 582, 587, 595
H. 365—p. 119, 239, 386, 582, 588, 595
H. 366—p. 120, 239, 387, 583, 588, 595
H. 367—p. 120, 239, 387, 582, 588, 595
H. 368—p. 120
H. 369—p. 132, 316
H. 370—p. 132, 162, 523, 525, 526, 580, 583, 588, 686, 777
H. 371—p. 133, 430
H. 372—p. 133, 182, 275
H. 373—p. 133, 603, 1086, 1089

HOUSE BILLS NUMERICALLY (Continued)

H. 374—p. 134
H. 375—p. 134, 236, 345, 805
H. 376—p. 134, 236, 345, 805
H. 377—p. 134, 244
H. 378—p. 134
H. 379—p. 134, 396
H. 380—p. 135, 603, 1063, 1067, 1101
H. 381—p. 135, 1026
H. 382—p. 135, 183, 275, 580, 587, 594
H. 383—p. 135
H. 384—p. 135, 183, 276
H. 385—p. 136, 183, 276, 580, 587, 595
H. 386—p. 136, 183, 277, 580, 587, 595
H. 387—p. 136, 434, 2534
H. 388—p. 137
H. 389—p. 137
H. 390—p. 137
H. 391—p. 137, 241
H. 392—p. 137
H. 393—p. 137, 162, 229, 774, 776, 779, 826
H. 394—p. 137, 163, 268, 428
H. 395—p. 138, 281, 344, 493, 505, 1239, 1481, 1502, 1503, 1565, 1575, 1680
H. 396—p. 138, 239, 1058, 1059
H. 397—p. 138
H. 398—p. 138, 236
H. 399—p. 138
H. 400—p. 138, 162
H. 401—p. 139
H. 402—p. 139, 237, 1130, 1131
H. 403—p. 139
H. 404—p. 139
H. 405—p. 139
H. 406—p. 139, 436, 573
H. 407—p. 140
H. 408—p. 140, 340, 399
H. 409—p. 140, 242
H. 410—p. 140, 183, 277, 1683, 1729, 1934
H. 411—p. 140
H. 412—p. 141, 1184
H. 413—p. 141, 1382
H. 414—p. 141
H. 415—p. 141
H. 416—p. 141, 763
H. 417—p. 141, 242
H. 418—p. 118, 242
H. 419—p. 142
H. 420—p. 142, 281, 344, 372, 377, 378, 381, 420, 421, 460, 465, 1891, 1893, 1895, 1928, 1929, 1933, 1940, 2078
H. 421—p. 164, 242, 1069, 1071, 1523, 1524, 1541, 1679
H. 422—p. 164, 183, 277, 580, 587, 595
H. 423—p. 165, 245, 302, 335
H. 424—p. 165, 347, 454, 572, 616, 665, 886, 933, 995, 1044, 1102, 1240, 1416
H. 425—p. 165, 1353

HOUSE BILLS NUMERICALLY (Continued)

H. 426—p. 165
H. 427—p. 165, 315
H. 428—p. 166
H. 429—p. 166
H. 430—p. 166
H. 431—p. 166, 317
H. 432—p. 166, 317
H. 433—p. 166
H. 434—p. 166
H. 435—p. 187
H. 436—p. 187
H. 437—p. 187
H. 438—p. 187
H. 439—p. 187
H. 440—p. 188, 427
H. 441—p. 188, 240, 344, 795, 797, 797, 1061, 1097, 1180
H. 442—p. 188
H. 443—p. 188, 346, 450, 458, 1708, 1733, 1935
H. 444—p. 189, 244, 1163
H. 445—p. 189, 244
H. 446—p. 189, 241, 344, 549, 1379, 1388, 1536
H. 447—p. 189
H. 448—p. 189, 400, 454
H. 449—p. 189
H. 450—p. 190, 427, 1248, 1266, 1671, 1672, 1693, 1934
H. 451—p. 190, 281, 364, 1461, 1471, 1537
H. 452—p. 190
H. 453—p. 190, 243, 1170
H. 454—p. 190
H. 455—p. 191, 282, 364
H. 456—p. 191
H. 457—p. 191, 239, 345, 491, 1378, 1388, 1536
H. 458—p. 191, 536, 1590
H. 459—p. 191, 434
H. 460—p. 192
H. 461—p. 192, 429, 1117
H. 462—p. 192, 902, 1294, 1295
H. 463—p. 192, 428
H. 464—p. 192, 433
H. 465—p. 192, 432
H. 466—p. 193, 322, 1295, 1297
H. 467—p. 193
H. 468—p. 193, 433, 1160
H. 469—p. 194, 435
H. 470—p. 194, 433
H. 471—p. 194, 433
H. 472—p. 194
H. 473—p. 194, 432
H. 474—p. 194, 396
H. 475—p. 195, 347, 454, 458, 1232, 1268, 1299
H. 476—p. 195, 1352
H. 477—p. 195
H. 478—p. 195, 605, 778, 1517
H. 479—p. 196, 400
H. 480—p. 196, 1024, 1146

HOUSE BILLS NUMERICALLY (Continued)

H. 481—p. 196, 607
H. 482—p. 196, 282, 336, 1709, 1733, 1935
H. 483—p. 197
H. 484—p. 197, 245, 302, 687, 1182, 1212, 1298
H. 485—p. 197
H. 486—p. 197
H. 487—p. 197
H. 488—p. 197, 317, 366, 368, 370, 371, 687
H. 489—p. 198, 1030
H. 490—p. 198, 1030
H. 491—p. 198, 1030, 1564, 1566, 1571, 1616
H. 492—p. 198
H. 493—p. 199, 243, 270, 273, 309, 338, 339, 340
H. 494—p. 199, 316, 1007, 1008, 1898, 1940, 2078
H. 495—p. 245, 316, 801
H. 496—p. 245, 428, 1277
H. 497—p. 245, 396
H. 498—p. 246, 316, 344, 550, 799
H. 499—p. 246
H. 500—p. 246
H. 501—p. 246
H. 502—p. 246
H. 503—p. 246
H. 504—p. 247, 346, 450, 1461, 1471, 1537
H. 505—p. 247
H. 506—p. 247, 316, 1308, 1310
H. 507—p. 247, 400, 572, 886, 1684, 1729, 1934
H. 508—p. 248
H. 509—p. 248, 608, 1171, 1174, 1899, 1940, 2078
H. 510—p. 248
H. 511—p. 248, 400, 455, 1684, 1729, 1934
H. 512—p. 248, 396, 536
H. 513—p. 249, 282, 336, 1709, 1733, 1935
H. 514—p. 249, 282, 337, 897, 898, 901, 973
H. 515—p. 249, 535, 1170, 1319, 1386, 1388, 1392, 1393, 1408, 1409, 1419, 1457, 1475
H. 516—p. 250, 316, 1137
H. 517—p. 250, 317, 345, 413, 420, 1531, 1532, 1542, 1679
H. 518—p. 285
H. 519—p. 285, 346, 451, 1461, 1471, 1537
H. 520—p. 285, 346, 451, 1461, 1471, 1537
H. 521—p. 285, 317, 365, 1190, 1221, 1299
H. 522—p. 286, 397
H. 523—p. 286, 430, 1133, 1141, 1142, 1574, 1577, 1680
H. 524—p. 286
H. 525—p. 286
H. 526—p. 286, 902, 1330
H. 527—p. 287, 400, 455, 1456, 1462, 1536
H. 528—p. 287, 400, 556, 1456, 1463, 1536
H. 529—p. 287, 430, 1285
H. 530—p. 287, 435, 572, 1670, 1693, 1934
H. 531—p. 288
H. 532—p. 288
H. 533—p. 288
H. 534—p. 288, 762, 1119, 1124, 1743, 1744, 1936

HOUSE BILLS NUMERICALLY (Continued)

H. 535—p. 289, 762, 1125, 1128, 1744, 1744, 1936
H. 536—p. 289, 426, 776, 1907, 1908, 1940, 2078
H. 537—p. 289, 606, 1274
H. 538—p. 289
H. 539—p. 289, 317
H. 540—p. 289, 315
H. 541—p. 290
H. 542—p. 290, 347, 454
H. 543—p. 290, 1357
H. 544—p. 290, 983, 1504, 1515, 1517, 1518
H. 545—p. 291
H. 546—p. 291
H. 547—p. 291
H. 548—p. 291
H. 549—p. 291
H. 550—p. 292
H. 551—p. 292, 1356, 1573
H. 552—p. 292, 400
H. 553—p. 292, 1101, 1186, 1393, 1408
H. 554—p. 318, 346, 452, 1709, 1733, 1935
H. 555—p. 319
H. 556—p. 319, 426
H. 557—p. 319
H. 558—p. 319, 1353
H. 559—p. 319
H. 560—p. 320, 1385
H. 561—p. 320, 397, 894
H. 562—p. 320, 397, 895
H. 563—p. 320
H. 564—p. 320, 399
H. 565—p. 320
H. 566—p. 320
H. 567—p. 321
H. 568—p. 321
H. 569—p. 321
H. 570—p. 321, 397, 811
H. 571—p. 321, 426
H. 572—p. 321
H. 573—p. 321, 397
H. 574—p. 322, 397, 1290
H. 575—p. 322, 607, 1168, 1522, 1542, 1679
H. 576—p. 322
H. 577—p. 322
H. 578—p. 323, 902, 1283, 1284, 1746, 1748, 1936
H. 579—p. 323, 400
H. 580—p. 323
H. 581—p. 323
H. 582—p. 323
H. 583—p. 348
H. 584—p. 348, 476
H. 585—p. 348, 398, 1274
H. 586—p. 348
H. 587—p. 348, 902, 1312, 2042, 2042, 2078
H. 588—p. 348
H. 589—p. 348

HOUSE BILLS NUMERICALLY (Continued)

H. 590—p. 349
H. 591—p. 349
H. 592—p. 349
H. 593—p. 349, 436, 575
H. 594—p. 349
H. 595—p. 349
H. 596—p. 350, 398
H. 597—p. 350, 920, 995
H. 598—p. 350
H. 599—p. 350
H. 600—p. 350
H. 601—p. 351, 903, 1441, 1446
H. 602—p. 351
H. 603—p. 351
H. 604—p. 351
H. 605—p. 351
H. 606—p. 351, 400
H. 607—p. 351
H. 608—p. 352
H. 609—p. 352, 477, 543, 1456, 1463, 1536
H. 610—p. 352, 398, 1318
H. 611—p. 352, 762
H. 612—p. 352, 397, 1134
H. 613—p. 390, 538, 1244, 1245
H. 614—p. 390, 760, 1176, 1242
H. 615—p. 390
H. 616—p. 390, 430, 939
H. 617—p. 391
H. 618—p. 391, 605
H. 619—p. 391, 608, 665, 669, 1683, 1730, 1934
H. 620—p. 391
H. 621—p. 391, 433, 1317
H. 622—p. 392, 905
H. 623—p. 392
H. 624—p. 402, 603
H. 625—p. 403
H. 626—p. 403, 426, 1278, 1566, 1575, 1680
H. 627—p. 403, 604
H. 628—p. 403
H. 629—p. 403
H. 630—p. 403, 437, 1138, 1139, 1497, 1516, 1537
H. 631—p. 404
H. 632—p. 404, 981
H. 633—p. 404, 535, 1086
H. 634—p. 404
H. 635—p. 404, 436, 484, 1191, 1221, 1299
H. 636—p. 404, 436, 484, 1191, 1221, 1299
H. 637—p. 405, 436, 485, 1191, 1222, 1299
H. 638—p. 405, 537, 1137, 1456, 1463, 1536
H. 639—p. 405, 431, 481, 1456, 1463, 1536
H. 640—p. 405, 431, 481, 1456, 1463, 1536
H. 641—p. 406, 431, 482, 1458, 1471, 1537
H. 642—p. 406
H. 643—p. 406, 426
H. 644—p. 406, 1027

HOUSE BILLS NUMERICALLY (Continued)

H. 645—p. 406
H. 646—p. 406
H. 647—p. 407, 431, 482, 500
H. 648—p. 407, 762, 1291, 1293
H. 649—p. 407, 536, 1006, 1497, 1516, 1537
H. 650—p. 407
H. 651—p. 407, 1362
H. 652—p. 408, 538
H. 653—p. 408
H. 654—p. 408, 1186, 1421
H. 655—p. 438, 556, 616, 1709, 1734, 1935
H. 656—p. 438, 905
H. 657—p. 439
H. 658—p. 439, 538
H. 659—p. 439
H. 660—p. 439, 761
H. 661—p. 439, 760, 1147, 1150
H. 662—p. 440
H. 663—p. 440
H. 664—p. 440
H. 665—p. 440, 608, 1598, 1612, 1614
H. 666—p. 440
H. 667—p. 441
H. 668—p. 441
H. 669—p. 441, 477, 543, 1190, 1221, 1299
H. 670—p. 441
H. 671—p. 441, 536, 895
H. 672—p. 478, 556, 617, 1684, 1730, 1934
H. 673—p. 478
H. 674—p. 478
H. 675—p. 478, 537, 944, 953, 955, 955, 957, 1519, 1521, 1535, 1542, 1679
H. 676—p. 479, 609, 667, 668, 1191, 1222, 1299
H. 677—p. 479, 871, 934, 1710, 1734, 1935
H. 678—p. 479, 537, 578
H. 679—p. 479, 1094, 1241
H. 680—p. 480, 537, 579, 1684, 1730, 1934
H. 681—p. 480, 759, 1311, 1682, 1730, 1934
H. 682—p. 480, 1353
H. 683—p. 480
H. 684—p. 480
H. 685—p. 538
H. 686—p. 538, 607, 1164, 1682, 1731, 1934
H. 687—p. 538
H. 688—p. 538, 556, 617, 1458, 1468, 1537
H. 689—p. 539, 556, 618, 1458, 1468, 1537
H. 690—p. 539, 905, 1270, 1272
H. 691—p. 539, 606, 1086, 1090, 1112, 1113
H. 692—p. 539, 556, 618, 1707, 1734, 1935
H. 693—p. 539, 606, 1115, 2073, 2075, 2079
H. 694—p. 540, 608, 666, 1684, 1731, 1934
H. 695—p. 540
H. 696—p. 540
H. 697—p. 540, 1031, 1145, 1146
H. 698—p. 562, 921, 997, 1044, 1174, 1240, 1416

HOUSE BILLS NUMERICALLY (Continued)

H. 699—p. 563
H. 700—p. 563
H. 701—p. 563
H. 702—p. 563
H. 703—p. 563, 1187
H. 704—p. 564
H. 705—p. 564
H. 706—p. 564, 1366, 1437
H. 707—p. 565, 650, 887, 1710, 1734, 1935
H. 708—p. 565, 761, 896
H. 709—p. 565
H. 710—p. 565
H. 711—p. 565
H. 712—p. 565, 760
H. 713—p. 565
H. 714—p. 566
H. 715—p. 566, 606
H. 716—p. 566, 606
H. 717—p. 566
H. 718—p. 566, 607
H. 719—p. 566, 871, 934
H. 720—p. 567
H. 721—p. 567, 872, 936, 1191, 1222, 1299
H. 722—p. 567, 607, 1313
H. 723—p. 567, 608, 666
H. 724—p. 610, 760, 1318, 1330
H. 725—p. 610, 1028, 1102, 1528, 1542, 1679
H. 726—p. 610, 650, 887, 889, 1336, 1340, 1374, 1379
H. 727—p. 610
H. 728—p. 611
H. 729—p. 611, 764, 890, 1705, 1734, 1935
H. 730—p. 611, 759
H. 731—p. 612, 763
H. 732—p. 612, 1186, 1422
H. 733—p. 612, 1028, 1103, 1458, 1468, 1537
H. 734—p. 612
H. 735—p. 613, 760
H. 736—p. 613, 761
H. 737—p. 613
H. 738—p. 613, 761
H. 739—p. 613, 761
H. 740—p. 613
H. 741—p. 613, 763, 1307, 1308
H. 742—p. 613, 903
H. 743—p. 614
H. 744—p. 651
H. 745—p. 651
H. 745—p. 651, 765, 892
H. 747—p. 651, 872, 938, 939, 995, 1044, 1048, 1049, 1897, 1898, 1940, 2078
H. 748—p. 651, 764, 890, 1459, 1468, 1537
H. 749—p. 652, 764, 891, 1319, 1336, 1379
H. 750—p. 652, 1361
H. 751—p. 652, 1353
H. 752—p. 652, 759, 872

HOUSE BILLS NUMERICALLY (Continued)

H. 753—p. 652, 764, 891, 1710, 1734, 1935
H. 754—p. 653
H. 755—p. 653, 764, 892, 1459, 1469, 1537
H. 756—p. 653
H. 757—p. 653
H. 758—p. 654, 760, 1075
H. 759—p. 654, 1026
H. 760—p. 654, 765, 893, 1191, 1222, 1299
H. 761—p. 654
H. 762—p. 655, 759, 873, 2072, 2075, 2079
H. 763—p. 655
H. 764—p. 766, 982
H. 765—p. 767, 902, 1269
H. 766—p. 767
H. 767—p. 767, 1026, 1291
H. 768—p. 768, 1354, 1614, 1615
H. 769—p. 873
H. 770—p. 873, 1028, 1103, 1684, 1731, 1934
H. 771—p. 874
H. 772—p. 874, 985, 1046, 1459, 1469, 1537
H. 773—p. 874, 985, 1046, 1459, 1469, 1537
H. 774—p. 874
H. 775—p. 874
H. 776—p. 874
H. 777—p. 875
H. 778—p. 875
H. 779—p. 875
H. 780—p. 875, 1028, 1104
H. 781—p. 875
H. 782—p. 875
H. 783—p. 876
H. 784—p. 876
H. 785—p. 876, 1362, 1615, 1616
H. 786—p. 876
H. 787—p. 876, 1354
H. 788—p. 876
H. 789—p. 877
H. 790—p. 877, 921, 997, 1456, 1463, 1536
H. 791—p. 877
H. 792—p. 877, 904
H. 793—p. 877
H. 794—p. 877, 1358
H. 795—p. 878
H. 796—p. 878
H. 797—p. 878, 985, 1048, 1684, 1731, 1934
H. 798—p. 921, 984, 1162, 1465, 1472, 1537
H. 799—p. 921
H. 800—p. 921
H. 801—p. 921, 985, 1048
H. 802—p. 922
H. 803—p. 922, 1094, 1241, 1710, 1734, 1935
H. 804—p. 922, 1185, 1416
H. 805—p. 922, 1031, 1116, 1709, 1735, 1935
H. 806—p. 923
H. 807—p. 923, 1001, 1025, 1594, 1595

HOUSE BILLS NUMERICALLY (Continued)

H. 808—p. 923, 1028
H. 809—p. 923
H. 810—p. 923, 1362
H. 811—p. 924, 1024
H. 812—p. 924, 1028
H. 813—p. 924, 1026, 1162, 1246, 1247
H. 814—p. 924
H. 815—p. 989, 1185, 1418, 1920, 1940, 2078
H. 816—p. 989, 1029, 1105, 1106, 1682, 1731, 1935
H. 817—p. 989, 1029, 1105, 1106, 1707, 1735, 1935
H. 818—p. 989, 1029, 1107, 1319, 1336, 1379, 1384
H. 819—p. 990, 1384
H. 820—p. 990, 1029, 1107, 1459, 1469, 1537
H. 821—p. 990, 1029, 1108, 1459, 1469, 1537
H. 822—p. 991, 1356
H. 823—p. 991, 1186, 1422
H. 824—p. 991
H. 825—p. 991
H. 826—p. 991, 1030, 1140, 1921, 1922, 1941, 2078
H. 827—p. 991, 1029, 1108, 1707, 1735, 1935
H. 828—p. 991, 1029, 1109, 1707, 1735, 1935
H. 829—p. 992, 1029, 1109, 1916, 1917, 1941, 2078
H. 830—p. 992, 1031, 1111, 1114, 1319, 1336, 1379
H. 831—p. 992, 1029, 1110, 1684, 1731, 1935
H. 832—p. 992, 1025, 1312
H. 833—p. 993, 1026
H. 834—p. 993, 1186, 1423
H. 835—p. 993, 1553
H. 836—p. 994, 1030, 1110, 1707, 1735, 1935
H. 837—p. 994, 1030, 1111, 1707, 1735, 1935
H. 838—p. 994, 1030, 1111, 1707, 1735, 1935
H. 839—p. 1032
H. 840—p. 1032, 1305
H. 841—p. 1032, 1094, 1240, 1707, 1735, 1935
H. 842—p. 1032
H. 843—p. 1033, 1383
H. 844—p. 1033
H. 845—p. 1033, 1094, 1417, 1708, 1737, 1735
H. 846—p. 1033
H. 847—p. 1034, 1094, 1417, 1705, 1738, 1935
H. 848—p. 1034
H. 849—p. 1034, 1185, 1418, 1705, 1735, 1935
H. 850—p. 1035, 1183, 1385, 1585
H. 851—p. 1035, 1186, 1423
H. 852—p. 1035, 1356
H. 853—p. 1095
H. 854—p. 1095
H. 855—p. 1095
H. 856—p. 1095
H. 857—p. 1095, 1186, 1423, 1706, 1736, 1935
H. 858—p. 1096
H. 859—p. 1193, 1366, 1437, 1440, 1708, 1736, 1935
H. 860—p. 1194, 1362, 1424, 1706, 1736, 1935
H. 861—p. 1194, 1363, 1424, 1706, 1736, 1935
H. 862—p. 1194, 1363, 1425, 1706, 1738, 1935

HOUSE BILLS NUMERICALLY (Continued)

H. 863—p. 1194
H. 864—p. 1194, 1363, 1425
H. 865—p. 1195, 1363, 1426
H. 866—p. 1195, 1363, 1426
H. 867—p. 1195
H. 868—p. 1195, 1358, 1572, 1573
H. 869—p. 1195, 1363, 1426
H. 870—p. 1196, 1366, 1476, 1477
H. 871—p. 1196, 1362
H. 872—p. 1196
H. 873—p. 1196
H. 874—p. 1197, 1363, 1427, 1706, 1736, 1935
H. 875—p. 1197, 1363, 1427
H. 876—p. 1197, 1385, 1562
H. 877—p. 1197
H. 878—p. 1197, 1548
H. 879—p. 1198
H. 880—p. 1198, 1548
H. 881—p. 1198, 1365, 1436
H. 882—p. 1198
H. 883—p. 1199
H. 884—p. 1199, 1363, 1428, 1429
H. 885—p. 1199, 1364, 1430, 1706, 1736, 1936
H. 886—p. 1200, 1553
H. 887—p. 1200, 1364, 1430
H. 888—p. 1200, 1364, 1430, 1548
H. 889—p. 1200, 1364, 1431
H. 890—p. 1201, 1364, 1441, 1706, 1737, 1936
H. 891—p. 1201, 1366, 1440
H. 892—p. 1201, 1364, 1431
H. 893—p. 1201, 1366, 1477
H. 894—p. 1202, 1357
H. 895—p. 1202, 1353
H. 896—p. 1202, 1364, 1432
H. 897—p. 1203, 1364, 1432
H. 898—p. 1203, 1364, 1432
H. 899—p. 1203, 1365, 1433
H. 900—p. 1203, 1365, 1433
H. 901—p. 1204, 1358
H. 902—p. 1204, 1365, 1434
H. 903—p. 1204, 1354
H. 904—p. 1204, 1365, 1434, 1706, 1737, 1936
H. 905—p. 1205, 1365, 1434
H. 906—p. 1205, 1365, 1435, 1707, 1738, 1935
H. 907—p. 1205
H. 908—p. 1205
H. 909—p. 1205
H. 910—p. 1206
H. 911—p. 1206
H. 912—p. 1206
H. 913—p. 1206
H. 914—p. 1206
H. 915—p. 1207, 1356
H. 916—p. 1207, 1365, 1435, 1436, 1707, 1737, 1936
H. 917—p. 1207, 1365, 1481

HOUSE BILLS NUMERICALLY (Continued)

H. 918—p. 1376, 1384, 1561
H. 919—p. 1377, 1384, 1561
H. 920—p. 1377
H. 921—p. 1377
H. 922—p. 1378, 1384, 1561

HOUSE RESOLUTIONS NUMERICALLY

1983 REGULAR SESSION

HR 1—p. 4
HJR 2—p. 4, 96, 122
HJR 3—p. 4, 82, 96, 122
HJR 4—p. 5, 85, 97, 122
HR 5—p. 5, 92
HJR 6—p. 61, 185, 215, 234
HJR 7—p. 62, 368, 375, 379
HJR 8—p. 63, 231, 232, 279
HJR 9—p. 64
HJR 10—p. 65, 185, 215, 234
HJR 11—p. 66, 185, 216, 234
HR 12—p. 67
HJR 13—p. 68
HJR 14—p. 70, 381, 396, 422
HJR 15—p. 70, 185, 215, 234
HJR 16—p. 71, 185, 215, 234
HR 17—p. 71
HJR 18—p. 72, 132, 143, 159
HR 19—p. 72
HR 20—p. 72
HR 21—p. 73
HJR 22—p. 73, 185, 215, 234
HJR 23—p. 74, 186, 215, 234
HJR 24—p. 75, 186, 215, 234
HR 25—p. 76
HR 26—p. 76
HR 27—p. 76
HJR 28—p. 76, 186, 215, 234
HR 29—p. 77
HR 30—p. 77
HR 31—p. 77
HJR 32—p. 77, 121, 122, 159
HR 33—p. 78
HJR 34—p. 78, 186, 215, 234
HJR 35—p. 79, 186, 215, 234
HJR 36—p. 80, 186, 215, 234
HR 37—p. 81
HJR 38—p. 81, 186, 216, 234
HJR 39—p. 82, 186, 216, 234
HJR 40—p. 83, 91, 97, 122
HJR 41—p. 84
HJR 42—p. 85
HJR 43—p. 86, 186, 216, 234
HJR 44—p. 91, 186, 216, 234
HJR 45—p. 93, 132, 164, 181
HR 46—p. 93, 123
HJR 47—p. 93, 122, 124, 125, 159
HJR 48—p. 94, 186, 216, 234
HJR 49—p. 94, 186, 216, 234
HJR 50—p. 95, 368, 375, 379
HR 51—p. 96
HR 52—p. 96
HR 53—p. 96

HOUSE RESOLUTIONS NUMERICALLY (Continued)

HJR 54—p. 97, 186, 216, 234
HJR 55—p. 98, 186, 216, 234
HJR 56—p. 98
HR 57—p. 99
HR 58—p. 99
HJR 59—p. 99, 187, 216, 234
HR 60—p. 120
HR 61—p. 121
HJR 62—p. 121, 422, 437, 474
HR 63—p. 122
HJR 64—p. 125
HR 65—p. 125, 160
HR 66—p. 131
HJR 67—p. 131
HR 68—p. 142
HR 69—p. 143
HJR 70—p. 144, 231, 232, 279
HJR 71—p. 144, 232, 232, 279
HJR 71—p. 144, 232, 232, 279
HJR 72—p. 145
HJR 73—p. 146
HR 74—p. 147
HJR 75—p. 147, 232, 233, 279
HJR 76—p. 148, 232, 233, 279
HJR 77—p. 148, 278, 280, 312
HR 78—p. 149
HJR 79—p. 149, 278, 280, 312
HR 80—p. 150
HJR 81—p. 161
HR 82—p. 161, 181
HR 83—p. 161
HJR 84—p. 167, 168
HJR 85—p. 167, 232, 233, 279
HR 86—p. 168
HJR 87—p. 168, 278, 280, 312
HR 88—p. 180
HR 89—p. 181
HR 90—p. 183
HJR 91—p. 183, 232, 258, 279
HR 92—p. 184, 234
HJR 93—p. 184, 278, 280, 312
HJR 94—p. 184, 278, 281, 312
HR 95—p. 199
HR 96—p. 201
HJR 97—p. 201, 368, 375, 379
HJR 98—p. 201, 279, 281, 312
HJR 99—p. 202, 369, 375, 379
HJR 100—p. 235, 293, 304, 312
HR 101—p. 235, 279
HJR 102—p. 236, 473, 477, 533
HJR 103—p. 250, 368, 375, 380
HJR 104—p. 251, 369, 375, 380
HJR 105—p. 252, 369, 375, 380
HJR 106—p. 252, 369, 375, 380
HR 107—p. 253

HOUSE RESOLUTIONS NUMERICALLY (Continued)

HJR 108—p. 253, 293, 304, 312, 462
HJR 109—p. 254, 369, 375, 380
HJR 110—p. 254, 369, 376, 380
HJR 111—p. 255
HR 112—p. 256
HJR 113—p. 256, 369, 376, 380
HR 114—p. 257
HJR 115—p. 257, 369, 376, 380
HJR 116—p. 258, 306, 308, 342, 462
HJR 117—p. 268, 369, 376, 380
HJR 118—p. 269
HJR 119—p. 270, 369, 376, 380
HR 120—p. 278
HJR 121—p. 282, 302, 308, 342
HJR 122—p. 283, 302, 308, 342
HR 123—p. 283, 312
HR 124—p. 283
HJR 125—p. 284, 369, 376, 380
HR 126—p. 292
HR 127—p. 294
HR 128—p. 294
HR 129—p. 294
HR 130—p. 294
HR 131—p. 294
HJR 132—p. 294, 369, 376, 380
HR 133—p. 300, 302
HJR 134—p. 306, 369, 376, 380
HJR 135—p. 310, 370, 376, 380
HJR 136—p. 311, 370, 376, 380
HJR 137—p. 324, 370, 377, 380
HJR 138—p. 324, 370, 377, 380
HJR 139—p. 325, 370, 371, 379
HJR 140—p. 327, 337, 338, 342
HR 141—p. 327
HJR 142—p. 327, 370, 377, 380
HR 143—p. 328
HJR 144—p. 330, 871, 884, 899
HJR 145—p. 330, 370, 377, 380
HJR 146—p. 331, 370, 377, 380
HJR 147—p. 332, 370, 377, 380
HJR 148—p. 332, 370, 377, 380
HR 149—p. 333
HJR 150—p. 343, 379, 382, 393
HR 151—p. 344, 380
HR 152—p. 344
HJR 153—p. 353, 395, 401, 422
HR 154—p. 353
HR 155—p. 353
HJR 156—p. 354, 395, 401, 422
HJR 157—p. 354, 395, 401, 422
HR 158—p. 355
HJR 159—p. 355, 395, 401, 422
HJR 160—p. 356, 394, 401, 422
HJR 161—p. 356
HJR 162—p. 357, 395, 401, 422

HOUSE RESOLUTIONS NUMERICALLY (Continued)

HR 163—p. 358
HR 164—p. 358
HJR 165—p. 359, 395, 401, 422
HJR 166—p. 360
HJR 167—p. 361
HJR 168—p. 362, 395, 402, 422
HJR 169—p. 363, 395, 402, 422
HR 170—p. 364
HR 171—p. 371
HR 172—p. 372
HR 173—p. 375
HJR 174—p. 382, 395, 402, 423
HR 175—p. 382, 393
HJR 176—p. 384, 395, 402, 423
HJR 177—p. 386, 645, 658, 825
HR 178—p. 388
HR 179—p. 388
HR 180—p. 388
HR 181—p. 388
HR 182—p. 388
HR 183—p. 388
HJR 184—p. 388, 645, 658, 825
HR 185—p. 389
HR 186—p. 389
HR 187—p. 389
HR 188—p. 389
HR 189—p. 390
HR 190—p. 390
HR 191—p. 390
HJR 192—p. 394, 474, 478, 533
HR 193—p. 394, 423
HR 194—p. 408
HJR 195—p. 408
HJR 196—p. 409, 525, 528, 534
HJR 197—p. 410, 645, 658, 825
HJR 198—p. 410, 514, 522, 533
HR 199—p. 411
HR 200—p. 411
HJR 201—p. 412, 515, 522, 533
HR 202—p. 412
HR 203—p. 412
HJR 204—p. 413, 515, 522, 533
HJR 205—p. 424, 474, 478, 533
HR 206—p. 424, 474
HJR 207—p. 425, 645, 658, 825
HJR 208—p. 438, 515, 522, 533
HJR 209—p. 442, 644, 659, 825
HJR 210—p. 443, 1181, 1213, 1298
HJR 211—p. 443, 515, 522, 533
HJR 212—p. 444, 515, 522, 533
HJR 213—p. 445, 515, 522, 533
HJR 214—p. 445, 515, 522, 534
HR 215—p. 446

HOUSE RESOLUTIONS NUMERICALLY (Continued)

HR 216—p. 446
HJR 217—p. 446
HR 218—p. 449
HR 219—p. 461
HR 220—p. 473
HJR 221—p. 476, 556, 572
HR 222—p. 476, 534
HR 223—p. 489
HR 224—p. 492
HR 225—p. 492
HR 226—p. 521
HR 227—p. 523
HJR 228—p. 535, 580, 587, 595
HR 229—p. 535, 552, 554
HJR 230—p. 541, 645, 659, 825
HJR 231—p. 541, 645, 659, 825
HJR 232—p. 542
HR 233—p. 556
HJR 234—p. 558
HR 235—p. 559
HR 236—p. 560
HJR 237—p. 560, 594, 609, 641
HR 238—p. 560, 595
HR 239—p. 561
HR 240—p. 561
HJR 241—p. 561, 644, 659, 825
HR 242—p. 562
HJR 243—p. 562, 645, 659, 825
HJR 244—p. 568, 645, 659, 825
HJR 245—p. 568, 645, 659, 826
HR 246—p. 569
HR 247—p. 596
HJR 248—p. 596, 641, 644, 758
HR 249—p. 597, 641
HR 250—p. 597, 609
HJR 251—p. 614, 645, 659, 826
HJR 252—p. 614, 645, 659, 826
HJR 253—p. 615, 645, 659, 826
HJR 254—p. 646, 800, 833, 899
HR 255—p. 646
HR 256—p. 646, 650
HJR 257—p. 655, 1181, 1213, 1298
HJR 258—p. 656, 871, 884, 899
HR 259—p. 657
HR 260—p. 657, 658
HJR 261—p. 660, 1181, 1213, 1298
HJR 262—p. 661, 1181, 1213, 1299
HJR 263—p. 661, 1181, 1213, 1299
HJR 264—p. 661, 1181, 1213, 1299
HR 265—p. 662
HJR 266—p. 662, 1181, 1213, 1299
HJR 267—p. 663, 1181, 1213, 1299
HJR 268—p. 664, 1182, 1213, 1299
HJR 269—p. 664, 1181, 1214, 1299

HOUSE RESOLUTIONS NUMERICALLY (Continued)

HR 270—p. 665
HR 271—p. 677
HR 272—p. 677
HR 273—p. 677
HR 274—p. 677
HR 275—p. 677
HR 276—p. 677
HR 277—p. 677
HR 278—p. 677
HR 279—p. 677
HR 280—p. 678
HR 281—p. 678
HR 282—p. 678
HJR 283—p. 770, 800, 833, 899
HR 284—p. 771
HR 285—p. 771
HJR 286—p. 773, 808, 808, 833, 899
HR 287—p. 778, 779
HR 288—p. 781
HJR 289—p. 781, 1181, 1214, 1299
HJR 290—p. 785, 871, 884, 899
HJR 291—p. 789, 1181, 1214, 1299
HR 292—p. 795
HR 293—p. 795
HR 294—p. 830, 899
HR 295—p. 830, 833
HJR 296—p. 878, 879, 1182, 1214, 1299
HJR 297—p. 879, 1182, 1214, 1299
HJR 298—p. 880, 1182, 1214, 1299
HJR 299—p. 881, 1182, 1214, 1299
HJR 300—p. 881, 1182, 1214, 1299
HJR 301—p. 882, 1182, 1214, 1299
HJR 302—p. 883, 1182, 1214, 1299
HR 303—p. 884
HR 304—p. 884
HR 305—p. 901, 919
HR 306—p. 906
HR 307—p. 906, 909, 911, 912, 915, 919
HR 308—p.
HR 309—p. 920, 973
HJR 310—p. 924, 951, 957, 1090
HR 311—p. 925
HJR 312—p. 925, 951, 957, 1090
HJR 313—p. 926, 952, 957, 1090
HJR 314—p. 926, 952, 957, 1090
HR 315—p. 927
HR 316—p. 928
HR 317—p. 928
HJR 318—p. 928, 952, 957, 1090
HJR 319—p. 929, 952, 957, 1090
HR 320—p. 930
HJR 321—p. 930, 952, 957, 1090
HR 322—p. 931
HR 323—p. 931

HOUSE RESOLUTIONS NUMERICALLY (Continued)

HJR 324—p. 931, 952, 957, 1091
HR 325—p. 932
HJR 326—p. 932, 952, 957, 1091
HJR 327—p. 944, 952, 958, 1091
HR 328—p. 962
HJR 329—p. 962, 1667, 1690, 1933
HR 330—p. 965
HR 331—p. 974, 1021
HJR 332—p. 974, 1667, 1690, 1933
HJR 333—p. 975, 1239, 1269, 1299
HJR 334—p. 976, 1667, 1690, 1933
HJR 335—p. 977, 1667, 1690, 1933
HR 336—p. 977
HJR 337—p. 978, 1668, 1690, 1933
HR 338—p. 978
HR 339—p. 979
HR 340—p. 979
HJR 341—p. 979, 1668, 1690, 1933
HJR 342—p. 979, 1732, 1738, 1936
HJR 343—p. 980, 1668, 1690, 1933
HR 344—p. 985, 989
HJR 345—p. 994, 1732, 1738, 1936
HJR 346—p. 998, 1668, 1690, 1933
HJR 347—p. 1002, 1705
HJR 348—p. 1004, 1668, 1690, 1933
HJR 349—p. 1005
HJR 350—p. 1005
HJR 351—p. 1008
HR 352—p. 1009
HR 353—p. 1010
HR 354—p. 1022, 1091
HJR 355—p. 1035
HR 356—p. 1036
HJR 357—p. 1036
HJR 358—p. 1038, 1668, 1690, 1933
HR 359—p. 1039
HR 360—p. 1039
HJR 361—p. 1039
HR 362—p. 1040
HR 363—p. 1041
HJR 364—p. 1059, 1132, 1140, 1180
HR 365—p. 1092, 1095, 1180
HR 366—p. 1093
HJR 367—p. 1096, 1098, 1692
HR 368—p. 1097
HR 369—p. 1098
HR 370—p. 1098
HR 371—p. 1114
HR 372—p. 1114
HJR 373—p. 1136, 1732, 1739, 1936
HR 374—p. 1142
HR 375—p. 1146
HR 376—p. 1183
HR 377—p. 1187, 1192

HOUSE RESOLUTIONS NUMERICALLY (Continued)

HJR 378—p. 1192, 1668, 1690, 1933
HJR 379—p. 1207, 1668, 1691, 1933
HJR 380—p. 1208, 1565, 1576, 1680
HR 381—p. 1212
HR 382—p. 1215
HJR 383—p. 1216, 1925, 1942, 2078
HJR 384—p. 1216, 1925, 1941, 2078
HJR 385—p. 1217
HJR 386—p. 1219, 1925, 1942, 2078
HR 387—p. 1219
HR 388—p. 1219
HR 389—p. 1220
HR 390—p. 1220
HR 391—p. 1220
HR 392—p. 1220
HJR 393—p. 1222
HJR 394—p. 1223, 1692
HJR 395—p. 1224, 1925, 1942, 2078
HJR 396—p. 1225, 1668, 1691, 1933
HJR 397—p. 1279, 1925, 1942, 2078
HJR 398—p. 1280, 1666, 1691, 1933
HR 399—p. 1301, 1379
HR 400—p. 1301
HR 401—p. 1331, 1333, 1335
HR 402—p. 1367
HR 403—p. 1367
HJR 404—p. 1368, 1455, 1457, 1536
HJR 405—p. 1368, 1455, 1457, 1536
HJR 406—p. 1369, 1455, 1457, 1536
HJR 407—p. 1370, 1455, 1457, 1536
HJR 408—p. 1371, 1455, 1457, 1536
HR 409—p. 1371
HR 410—p. 1372
HR 411—p. 1372
HR 412—p. 1373
HR 413—p. 1375
HR 414—p. 1375
HJR 415—p. 1375
HJR 416—p. 1376, 1455, 1457, 1536
HR 417—p. 1378
HJR 418—p. 1378, 1442, 1443
HR 419—p. 1381, 1538
HR 420—p. 1386
HR 421—p. 1409, 1410
HJR 422—p. 1410, 1667, 1691, 1934
HR 423—p. 1411
HJR 424—p. 1411, 1667, 1691, 1934
HJR 425—p. 1412, 1696
HJR 426—p. 1413
HJR 427—p. 1414, 1667, 1691, 1934
HR 428—p. 1415
HR 429—p. 1415
HJR 430—p. 1415, 1667, 1693, 1934
HJR 431—p. 1415, 1667, 1691, 1934

HOUSE RESOLUTIONS NUMERICALLY (Continued)

HJR 432—p. 1479, 1566, 1576, 1680
HR 433—p. 1480, 1481
HR 434—p. 1522
HR 435—p. 1539
HR 436—p. 1539
HJR 437—p. 1553, 1565, 1576, 1680
HR 438—p. 1554
HR 439—p. 1554
HR 440—p. 1554
HJR 441—p. 1554, 1722
HR 442—p. 1556
HR 443—p. 1556
HR 444—p. 1557
HJR 445—p. 1557, 1566, 1576, 1680
HJR 446—p. 1557, 1566, 1576, 1680
HJR 447—p. 1558, 1566, 1576, 1680
HR 448—p. 1559
HJR 449—p. 1559, 1566, 1576, 1680
HR 450—p. 1560
HR 451—p. 1560
HR 452—p. 1562
HJR 453—p. 1581, 1666, 1691, 1934
HJR 454—p. 1582, 1666, 1691, 1934
HJR 455—p. 1583, 1732, 1739, 1936
HJR 456—p. 1583, 1732, 1739, 1936
HR 457—p. 1584
HR 458—p. 1595
HR 459—p. 1616
HR 460—p. 1684
HJR 461—p. 1696
HJR 462—p. 1696
HJR 463—p. 1697
HR 464—p. 1698
HJR 465—p. 1698
HJR 466—p. 1699
HJR 467—p. 1699
HJR 468—p. 1700
HJR 469—p. 1701
HR 470—p. 1701
HR 471—p. 1701
HR 472—p. 1701
HJR 473—p. 1701
HR 474—p. 1702
HR 475—p. 1702, 1704
HR 476—p. 1729
HJR 477—p. 1730, 2053
HJR 478—p. 1747, 1932
HR 479—p. 1747
HR 480—p. 1748
HR 481—p. 1748
HR 482—p. 1748
HR 483—p. 1748
HR 484—p. 1748
HR 485—p. 1748
HR 486—p. 1749

HOUSE RESOLUTIONS NUMERICALLY (Continued)

HR 487—p. 1750
HJR 488—p. 1750
HR 489—p. 1943
HR 490—p. 1943
HR 491—p. 1943
HR 492—p. 1943
HR 493—p. 1943
HR 494—p. 1943
HR 495—p. 1943
HR 496—p. 1944
HR 497—p. 1944
HR 498—p. 1944
HR 499—p. 1944
HR 500—p. 1944
HR 501—p. 1944
HR 502—p. 1944
HR 503—p. 1945
HR 504—p. 1945
HR 505—p. 1945
HR 506—p. 1945
HR 507—p. 2042
HR 508—p. 2042
HR 509—p. 2042
HJR 510—p. 2045, 2074, 2077, 2079, 2079
HJR 511—p. 2045
HR 512—p. 2047
HJR 513—p. 2047
HR 514—p. 2048
HJR 515—p. 2048
HJR 516—p. 2048
HJR 517—p. 2049
HJR 518—p. 2050
HJR 519—p. 2051
HJR 520—p. 2051
HR 521—p. 2054, 2058, 2060, 2061
HJR 522—p. 2061, 2074, 2077, 2079
HR 523—p. 2061
HJR 524—p. 2061
HR 525—p. 2062
HR 526—p. 2062
HR 527—p. 2062
HJR 528—p. 2063, 2074, 2077, 2079
HR 529—p. 2064

SENATE BILLS NUMERICALLY

1983 REGULAR SESSION

S. 9—p. 817, 817, 1381
S. 21—p. 1348, 1349, 1549
S. 22—p. 1348, 1349, 1549
S. 38—p. 592, 594, 764, 1276, 1443
S. 40—p. 815, 815, 904, 1135, 1209
S. 42—p. 821, 822, 1552, 1923, 1924, 1932, 1945
S. 46—p. 1080, 1358, 1614, 1693
S. 47—p. 815, 815, 1025
S. 49—p. 592, 763
S. 50—p. 592, 763
S. 57—p. 1350, 1351
S. 58—p. 589, 1187, 1446, 1458, 1462, 1464, 1465, 1472, 1475, 1482, 1616, 1657, 1679, 1742, 1745, 1942
S. 60—p. 296, 297, 317, 365, 420, 529, 533
S. 63—p. 966, 967, 1355, 1590, 1694
S. 65—p. 591, 592, 763, 1302, 1444
S. 68—p. 593, 594, 763, 1302, 1303, 1315, 1444
S. 69—p. 1179, 1354, 1589, 1694
S. 71—p. 1079, 1093, 1281, 1282
S. 73—p. 488, 489
S. 76—p. 295, 297, 920, 996, 1023
S. 80—p. 820, 821, 1024, 1163, 1209
S. 83—p. 822, 823, 1355
S. 87—p. 593, 594, 762
S. 89—p. 814, 815, 1382
S. 90—p. 1084, 1085, 1362, 1589, 1694
S. 91—p. 824, 825, 872, 936, 1031
S. 93—p. 821, 822, 904, 1074, 1211, 1672, 1673, 1674, 1675, 1739
S. 95—p. 815, 816, 1356
S. 96—p. 1083, 1085, 1360
S. 97—p. 818, 819, 1361, 1573, 1658
S. 102—p. 1080, 1357
S. 104—p. 821, 822, 1358
S. 105—p. 392
S. 106—p. 1082, 1083, 1358
S. 107—p. 1345, 1383
S. 109—p. 970, 971, 1025, 1275, 1443, 1687
S. 111—p. 1178, 1386
S. 113—p. 1082, 1083, 1184
S. 114—p. 1081, 1082, 1184
S. 115—p. 296, 297, 318, 366, 367, 774, 814
S. 116—p. 1347
S. 119—p. 823, 983, 1304, 1444
S. 120—p. 972, 972, 983, 1169, 1209
S. 125—p. 1483, 1484
S. 127—p. 593, 594, 762, 1307, 1444
S. 129—p. 972, 972, 1544
S. 130—p. 1080, 1081
S. 131—p. 817, 817, 1024, 1317, 1474
S. 137—p. 1491, 1492, 1545
S. 139—p. 969, 970, 1025
S. 140—p. 1344, 1345, 1383
S. 143—p. 969, 1024

SENATE BILLS NUMERICALLY (Continued)

S. 145—p. 1351, 1383
S. 153—p. 1347, 1348, 1549
S. 154—p. 1486, 1487, 1549
S. 158—p. 1349, 1351, 1549
S. 174—p. 593, 594, 607, 1170, 1210
S. 175—p. 823, 824, 1384
S. 183—p. 1081, 1361
S. 185—p. 969, 969, 1687
S. 188—p. 817, 818, 1384, 1574, 1578, 1694
S. 189—p. 968, 968, 1354, 2069, 2076
S. 190—p. 591, 592
S. 191—p. 1344, 1345, 1383, 1563, 1659
S. 192—p. 1344, 1345, 1383, 1563, 1658
S. 193—p. 819, 819, 1027, 1298
S. 194—p. 296, 297
S. 196—p. 822, 823, 984
S. 198—p. 824, 825, 872, 937, 956, 1032
S. 199—p. 1343, 1344, 1685
S. 200—p. 1495, 1496, 1548
S. 201—p. 816, 817, 1023
S. 207—p. 970, 971, 1356
S. 208—p. 971, 972, 1356
S. 209—p. 1661, 1685, 2069, 2070, 2076
S. 210—p. 1084, 1085, 1093, 1577, 1578
S. 211—p. 1486, 1487, 1551
S. 223—p. 296, 297, 401, 458, 524
S. 224—p. 1082, 1083, 1185, 1593, 1594, 1695
S. 226—p. 1490, 1544
S. 227—p. 971, 972, 1355, 1580, 1585, 1694
S. 228—p. 1179, 1361
S. 233—p. 1082, 1083, 1355, 1586, 1588, 1667, 1694
S. 236—p. 815, 815, 1385
S. 238—p. 1084, 1085, 1688
S. 239—p. 1080, 1356, 1580, 1694
S. 245—p. 592, 763, 896, 905
S. 248—p. 1178, 1357
S. 250—p. 818, 819, 904, 1130, 1210
S. 251—p. 1487, 1489, 1544
S. 258—p. 1491, 1492
S. 259—p. 1349, 1351
S. 263—p. 966, 967
S. 270—p. 392, 426, 476, 501
S. 272—p. 421, 422, 765, 893, 933, 1031
S. 276—p. 1342, 1544
S. 277—p. 1494, 1495, 1686
S. 278—p. 1080, 1185
S. 279—p. 1085, 1362
S. 283—p. 1487, 1489, 1549
S. 284—p. 981, 981, 1026
S. 285—p. 981, 981, 1026
S. 286—p. 981, 981, 1026
S. 289—p. 1343, 1344, 1543
S. 291—p. 592, 594, 1359
S. 292—p. 554, 764, 892, 898, 905

SENATE BILLS NUMERICALLY (Continued)

S. 295—p. 972, 972, 1025
S. 296—p. 968, 968
S. 297—p. 1081, 1082, 1384
S. 298—p. 1177, 1178, 1360
S. 299—p. 1085, 1086, 1385, 1592, 1694
S. 303—p. 970, 971, 1027
S. 305—p. 1178, 1358
S. 306—p. 822, 822, 904, 1010, 1023
S. 308—p. 1490, 1549
S. 309—p. 590, 591, 871, 935, 951, 1031
S. 312—p. 1485, 1549
S. 320—p. 553, 554, 608, 667, 790
S. 322—p. 814, 1026, 1313, 1474
S. 323—p. 1487, 1489, 1545
S. 329—p. 1495, 1496, 1686
S. 330—p. 1349, 1351, 1383
S. 331—p. 971, 971, 1030, 1174, 1210
S. 333—p. 1083, 1361
S. 335—p. 1662, 1685
S. 337—p. 1343, 1344, 1688
S. 345—p. 421, 422, 431, 483, 524
S. 346—p. 421, 422, 431, 483, 520, 609
S. 348—p. 1343, 1344, 1382
S. 354—p. 488, 489, 537, 579, 609
S. 355—p. 970, 970, 985, 1047, 1053
S. 357—p. 816, 816, 1687
S. 360—p. 488, 489, 650, 889, 905
S. 361—p. 818, 819, 904
S. 362—p. 1348, 1349, 1543
S. 364—p. 1349, 1351
S. 369—p. 969, 969, 1025, 1290, 1445, 1676, 1677, 1678, 1739
S. 373—p. 816, 816, 976, 1023, 1156, 1160, 1315, 1445
S. 376—p. 823, 823, 1027, 1318, 1474
S. 377—p. 1345, 1346, 1547, 1720, 1721, 1794, 1894
S. 378—p. 1346, 1547, 1721, 1741
S. 379—p. 1489, 1687
S. 380—p. 421, 422, 431, 483, 524
S. 385—p. 819, 819, 1355, 2068, 2076
S. 386—p. 822, 823, 1359
S. 388—p. 1085, 1086, 1550
S. 389—p. 815, 815, 1030, 1135, 1210
S. 393—p. 1490
S. 400—p. 590, 591
S. 401—p. 1490, 1546
S. 402—p. 824, 825
S. 404—p. 1491, 1543
S. 407—p. 1495, 1496, 1545
S. 408—p. 1487, 1489, 1543
S. 409—p. 1488, 1489, 1551
S. 410—p. 1661, 1685
S. 411—p. 1179
S. 414—p. 1485
S. 419—p. 1084, 1085, 1384
S. 428—p. 590, 591, 608, 666, 790

SENATE BILLS NUMERICALLY (Continued)

S. 431—p. 1082, 1083, 1545
S. 432—p. 1484, 1485, 1543
S. 433—p. 1484, 1485, 1688
S. 434—p. 821, 822, 1027, 1316, 1455, 1474
S. 435—p. 1178, 1357
S. 438—p. 1347, 1348, 1382
S. 440—p. 590, 591, 985, 1047, 1053
S. 441—p. 824, 825, 872, 936, 1032
S. 443—p. 1347, 1348, 1545
S. 444—p. 1081, 1082, 1358
S. 446—p. 1178, 1179, 1358
S. 447—p. 1178, 1179, 1358
S. 450—p. 1083, 1085, 1355
S. 451—p. 825, 825, 1547
S. 453—p. 1660, 1661, 1685, 2070, 2072
S. 455—p. 1350, 1351, 1550
S. 456—p. 591, 608, 667, 791
S. 457—p. 819, 820
S. 458—p. 820, 820, 921, 996, 1023
S. 459—p. 820, 820
S. 466—p. 966, 967, 1358
S. 468—p. 966, 967, 1357, 1572, 1659
S. 470—p. 1486, 1487
S. 472—p. 1350, 1351, 1462
S. 474—p. 1232, 1235, 1366, 1437, 1474
S. 477—p. 967, 968
S. 480—p. 1234, 1235, 1548, 1714, 1739
S. 483—p. 1083, 1688
S. 484—p. 899, 899, 903, 1010, 1023
S. 489—p. 967, 968, 1185, 1419, 1475
S. 490—p. 967, 968, 1185, 1421, 1475
S. 491—p. 1348, 1349
S. 496—p. 1179
S. 497—p. 1233, 1235
S. 501—p. 1235, 1236, 1686, 2067, 2076
S. 503—p. 1346, 1710
S. 505—p. 1351, 1545
S. 506—p. 1234, 1235, 1547, 1713, 1739
S. 508—p. 1348, 1349, 1551
S. 510—p. 1483, 1484, 1550
S. 516—p. 1233, 1235
S. 517—p. 1344
S. 520—p. 1234, 1235, 1546
S. 530—p. 1235, 1236, 1546, 1740
S. 532—p. 1349, 1351, 1384, 1731, 1732
S. 533—p. 1235, 1236, 1386, 1586, 1695
S. 536—p. 1662, 1686
S. 537—p. 1492, 1493, 1546, 1711, 1740
S. 539—p. 1491, 1492, 1544
S. 540—p. 1487, 1489, 1550
S. 544—p. 1494, 1495, 1546, 1713, 1740
S. 546—p. 1493, 1495, 1546, 1712, 1740
S. 547—p. 1494, 1495, 1552, 1718, 1741
S. 548—p. 1492, 1493, 1546, 1712, 1740

SENATE BILLS NUMERICALLY (Continued)

S. 549—p. 1492, 1493, 1546, 1712, 1740
S. 550—p. 1493, 1546, 1711, 1741
S. 552—p. 1496, 1548, 1719, 1720, 1741
S. 554—p. 1496, 1548, 1714, 1715, 1718, 1741
S. 555—p. 1488, 1489, 1551
S. 556—p. 1488, 1489, 1552
S. 557—p. 1493, 1685, 2065, 2076
S. 558—p. 1663, 1665
S. 559—p. 1663, 1665, 1685, 2065, 2076
S. 560—p. 1663, 1665, 1686
S. 562—p. 1663, 1665, 1687, 2068, 2076
S. 563—p. 1664, 1665
S. 565—p. 1664, 1665
S. 566—p. 1664, 1665, 1686, 2066, 2067

SENATE RESOLUTIONS NUMERICALLY

1983 REGULAR SESSION

SJR 1—p. 487, 488, 597, 644
SJR 3—p. 87, 199
SJR 4—p. 87, 199
SJR 5—p. 265, 326
SJR 6—p. 87, 199
SJR 7—p. 87, 200
SJR 8—p. 87, 88, 300, 328
SJR 9—p. 87, 88, 300, 328
SJR 10—p. 88, 299, 329
SJR 11—p. 88, 89, 200
SJR 12—p. 89, 200
SJR 13—p. 89, 200
SJR 16—p. 89, 200
SJR 26—p. 89, 90, 299, 329
SJR 27—p. 90, 200
SJR 28—p. 90, 91, 200
SJR 29—p. 90, 91, 200
SJR 30—p. 90, 91, 200
SJR 32—p. 90, 91, 200
SJR 34—p. 90, 91, 200
SJR 36—p. 233, 326
SJR 38—p. 265, 299, 329
SJR 40—p. 266, 326
SJR 41—p. 297, 329
SJR 42—p. 267, 326
SJR 45—p. 266, 326
SJR 47—p. 448, 523
SJR 48—p. 267, 326
SJR 49—p. 267, 326
SJR 50—p. 267, 326
SJR 55—p. 297, 299, 329
SJR 56—p. 264
SJR 61—p. 267, 326
SJR 69—p. 297, 329
SJR 70—p. 297, 329
SJR 73—p. 299, 329
SJR 77—p. 485, 524
SJR 78—p. 486, 524
SJR 79—p. 486, 524
SJR 87—p. 486, 524
SJR 89—p. 486, 524
SJR 103—p. 486, 487, 524
SJR 111—p. 485, 486, 524
SJR 115—p. 553, 575
SJR 120—p. 553, 575
SJR 122—p. 485, 486, 524
SJR 123—p. 553, 575
SJR 124—p. 791, 863
SJR 140—p. 791, 863
SJR 146—p. 792, 793
SJR 148—p. 792, 864
SJR 149—p. 792, 864
SJR 150—p. 792, 864

SENATE RESOLUTIONS NUMERICALLY (Continued)

SJR 153—p. 1929, 2054
SJR 154—p. 793, 864
SJR 157—p. 792, 864
SJR 172—p. 793, 864
SJR 174—p. 794, 864
SJR 176—p. 794, 864
SJR 177—p. 794, 864
SJR 178—p. 794, 864
SJR 179—p. 1237, 1443
SJR 180—p. 1237, 1443
SJR 185—p. 1928, 1945
SJR 198—p. 897, 906
SJR 218—p. 1078, 1211
SJR 219—p. 1078, 1211
SJR 220—p. 1078, 1211
SJR 222—p. 1078, 1211
SJR 223—p. 1079, 1211
SJR 225—p. 1237, 1443
SJR 232—p. 1076, 1211
SJR 233—p. 1057, 1093
SJR 234—p. 1077, 1211
SJR 235—p. 1077, 1211
SJR 238—p. 1497, 1658
SJR 239—p. 1167, 1209
SJR 249—p. 1236, 1444
SJR 251—p. 1929, 2054, 2075
SJR 252—p. 1927, 1945
SJR 253—p. 1929, 2054, 2075
SJR 255—p. 1927, 1946
SJR 256—p. 1751, 1752, 1753, 1945
SJR 259—p. 1238, 1692, 2052
SJR 263—p. 1927, 1946
SJR 268—p. 1498, 1658
SJR 271—p. 1499, 2054, 2075
SJR 276—p. 1927, 1946
SJR 278—p. 1498, 1658
SJR 289—p. 1927, 1946
SJR 306—p. 1927, 1946
SJR 318—p. 1928, 1946
SJR 335—p. 2044, 2076

INDEX TO REGULAR SESSION 1983

ABANDONED MOTOR VEHICLES

Notice of sale of—
HB 313, pages 110, 315, 1162, 1163
SB 80, pages 820, 821, 1024, 1163, 1209

Sale of, regulated further—
HB 651, pages 407, 1362

ABLES, R. E.

Commended—
HR 484, page 1748

ABORTIONS

Minors, notice to parent prior to performance of—
HB 481, pages 196, 607

ABSENTEE ELECTION MANAGER

Clerk or registers disqualification due to opposition in election—
HB 469, pages 194, 435

ACT 79-816

Amended—
HJR 234, page 558

ACTS AMENDED, GENERAL ACTS

1969 acts, act 1158, regular session, public defender in judicial circuits with minimum state penitentiary population, appointment and election of—
HB 601, pages 351, 903, 1441, 1446

1979 acts, act 79-722, regular session, municipally financed hotel projects, lease of municipal property for, permitted—
HB 616, pages 390, 430, 939

1981 acts, act 81-719, regular session, section 1, legal expense insurance and legal service insurance corporations—
HB 648, pages 407, 762, 1291, 1293

1981 acts, act 81-1183, third special session, restoration of buildings in capitol complex—
HB 693, pages 539, 606, 1115, 2073, 2075, 2079
SB 435, pages 1178, 1357

1982 acts, act 82-470, section 1, teachers retirement system, five year requirement for purchasing credit for previously withdrawn service restored—
HB 345, page 116

1982 acts, act 82-569, regular session, refunding bonds, payment of principal and interest on—
HB 762, pages 478, 556, 617, 1684, 1730, 1934

1982 acts, act 82-659, regular session, section 1, teachers and employees retirement system, cost-of-living increase, eligibility—
HB 11, page 7

ACTS AMENDED, GENERAL ACTS (Continued)

1983 acts, act 83-75, first special session, section 4, refunding of warrants issued by counties for erecting buildings, bridges and roads—
HB 101, pages 23, 163
SB 90, pages 1084, 1085, 1362, 1589, 1694

1983 acts, act 83-161, second special session, section 2, board of heating and air conditioning contractors, funds of, carry over into subsequent fiscal years—
HB 742, pages 613, 903

ACTS AMENDED, LOCAL ACTS

1945 acts, act 248, regular session, section 19, Jefferson county employee vacation leave—
HB 406, pages 139, 436, 573

1955 acts, act 452, regular session, section 3.07(h), Birmingham mayor-council government, employees of council may elect to withdraw from pension system—
HB 706, pages 564, 1366, 1437

1961 acts, act 429, regular session, Montgomery county commission administrative assistance authorized—
HB 870, pages 1196, 1366, 1476, 1477

1963 acts, act 103, regular session, section 1, Walker county superintendent of education, salary—
SB 355, pages 970, 970, 985, 1047, 1053

1963 acts, act 235, regular session, sections XII and XXII, Prichard, city of, pension and retirement fund—
HB 859, pages 1193, 1366, 1437, 1440, 1708, 1736, 1935

1965 acts, act 154, regular session, section 9, Calhoun county, fees for issuing motor vehicle license tags by mail—
HB 410, pages 140, 183, 277, 1683, 1729, 1934

1965 acts, act 154, regular session, section 9, Calhoun county, motor vehicle licenses tags issued by mail, fees provided for—
SB 440, pages 590, 591, 985, 1047, 1053

1965 acts, act 547, regular session, section 4, Jefferson county civic center authority board members, method of selection—
HB 312, pages 109, 347, 452, 570

1969 acts, act 433, regular session, sections 1 and 2, Limestone county pistol permit fees—
HB 181, pages 39, 131, 205, 580, 586, 594

1969 acts, act 480, regular session, Mobile county board of school commissioners, rights, powers and duties of—
HB 842, page 1032

1969 acts, act 833, regular session, sections 5, 7 and 8, Montgomery county retirement system, annual audits of assets and liabilities—
HB 891, pages 1201, 1366, 1440

ACTS AMENDED, LOCAL ACTS (Continued)

1971 acts, act 529, regular session, section 1, Pickens county pistol permit fees increased—
HB 520, pages 285, 346, 451, 1461, 1471, 1537

1971 acts, act 2431, regular session, Mobile county racing commission compensation and qualifications, licenses, pools and bets, bank deposits—
HB 876, pages 1197, 1385, 1562

1973 acts, act 161, regular session, sections 1 and 12, Cullman county lodging tax increased—
SB 559, pages 1663, 1665, 1685, 2065, 2076

1973 acts, act 499, regular session, section 1, Bessemer elected officials, retirement allowances—
HB 823, pages 991, 1186, 1422

1975 acts, act 376, regular session, Greene county racing commission and parimutuel wagering provided for—
HB 225, pages 48, 105, 154, 453, 461, 474

1975 acts, act 376, regular session, section 1, Greene county racing commission, governor to appoint—
HB 830, pages 992, 1031, 1111, 1114, 1319, 1336, 1379

1975 acts, act 579, regular session, Washington county board of education, expense allowances—
HB 39, pages 12, 104, 150, 203, 272, 1460, 1470, 1537

1975 acts, act 963, regular session, Oxford, city of, civil service system, number of persons certified to fill vacancies increased—
SB 115, pages 296, 297, 318, 366, 367, 774, 814

1975 acts, act 963, regular session, Oxford, city of, police chief included under civil service system—
SB 60, pages 296, 297, 317, 365, 420, 529, 533

1976 acts, act 241, regular session, section 2, Bullock county forestland assessments levied and collected—
HB 733, pages 612, 1028, 1103, 1458, 1468, 1537

1976 acts, act 601, regular session, sections 1 and 2, Tuscaloosa county, pistol permits, fees and renewals—
HB 820, pages 990, 1029, 1107, 1459, 1469, 1537

1977 acts, act 52, first special session, section 1, Lowndes county public law library, costs for support of—
HB 448, pages 189, 400, 454
SB 223, pages 296, 297, 401, 458, 524

1977 acts, act 81, regular session, section 1, Bibb county, pistol permit fees increased—
HB 828, pages 991, 1029, 1109, 1707, 1735, 1935

ACTS AMENDED, LOCAL ACTS (Continued)

1978 acts, act 503, regular session, Washington county, poll workers, compensation—
HB 31, pages 11, 103, 150, 202, 271, 1460, 1470, 1537

1979 acts, act 79-349, regular session, section 2, Jackson county, coal serverance tax distributed—
HB 221, pages 47, 317, 367, 1683, 1728, 1934

1979 acts, act 79-454, regular session, Jefferson county, removal of corneal tissues for transplantation—
SB 451, pages 825, 825, 1547

1979 acts, act 79-501, regular session, Limestone county, t.v.a. payments distributed—
HB 640, pages 405, 431, 481, 1456, 1463, 1536

1979 acts, act 79-565, regular session, Tallapoosa county, pistol permit fees provided further for—
HB 818, pages 989, 1029, 1107, 1319, 1336, 1379, 1384

1980 acts, act 80-167, regular session, sections 1 and 2, Morgan county, t.v.a. in-lieu-of taxes payments distributed—
SB 76, pages 295, 297, 920, 996, 1023

1980 acts, act 80-277, regular session, Madison county legislative office, t.v.a. in-lieu-of payments reallocated—
HB 542, pages 290, 347, 454
SB 272, pages 421, 422, 765, 893, 933, 1031

1980 acts, act 80-558, regular session, Jackson county, Tennessee valley authority payments, portion of, used for legislative office—
HB 220, pages 47, 106, 203, 1683, 1728, 1934

1980 acts, act 80-597, regular session, Morgan county, gasoline taxes distributed—
HB 98, pages 23, 130, 204, 580, 586, 594

1981 acts, act 81-510, regular session, Limestone county, special recording fees distributed—
HB 641, pages 406, 431, 482, 1458, 1471, 1537

1981 acts, act 81-592, regular session, Lawrence county, t.v.a. in-lieu-of payments, distributed—
HB 689, pages 539, 556, 618, 1458, 1468, 1537

1981 acts, act 81-923, first special session, section 1, Lowndes county tax assessor and tax collector, clerical assistants provided for—
HB 780, pages 875, 1028, 1104

1981 acts, act 81-1168, third special session, title and section 4, Escambia county tax assessor and tax collector, compensation and expense reimbursement—
SB 292, pages 554, 764, 892, 898, 905

1982 acts, act 82-362, regular session, section 5, Calhoun county deputy sheriffs compensation—
HB 797, pages 878, 985, 1048, 1684, 1731, 1934

1982 acts, act 82-743, second special session, section 2, Fayette county, trade in of old equipment by county commission excluded from competitive bids—
HB 745, page 651

ACTS AND JOURNALS

Printing of—
HB 495, pages 245, 316, 801
SB 306, pages 822, 822, 904, 1010, 1023

ACTS REPEALED, GENERAL ACTS

1983 acts, act 83-154, second special session, legislative reapportionment—
HB 358, page 118

ACTS REPEALED, LOCAL ACTS

1945 acts, act 248, regular session, section 19, Jefferson county merit system, vacation and leave, method of earning and accruing—
HB 834, pages 993, 1186, 1423

1947 acts, act 442, regular session, Fayette county superintendent of education, travel and subsistence allowance—
HB 841, pages 1032, 1094, 1240, 1707, 1735, 1935

1971 acts, act 738, regular session, Huntsville, city of, mayor and city council, election and terms of office—
SB 200, pages 1495, 1496, 1548

1973 acts, act 456, regular session, fifteenth judicial circuit, district attorneys investigators—
HB 784, pages 876

1973 acts, act 499, regular session, Bessemer elected officials, retirement allowances—
HB 532, page 288

1976 acts, act 481, regular session, Lee county, mobile home registration fees distributed—
HB 889, pages 1200, 1364, 1431
SB 547, pages 1494, 1495, 1552, 1718, 1741

1976 acts, act 732, regular session, Pike county, tax assessor, tax collector and circuit clerk, deputies employed—
HB 13, pages 7, 130, 204, 1460, 1470, 1536

1977 acts, act 613, regular session, sections 11 and 12, Tuscaloosa county, voter registration—
HB 102, pages 24, 131, 205, 1681, 1727, 1934

1977 acts, act 681, regular session, Jefferson county, sheriff, executive assistant—
HB 85, pages 21, 346, 569, 1527, 1541, 1679

1979 acts, act 79-505, regular session, Madison county board of education, compensation of—
HB 909, page 1205

1979 acts, act 79-505, regular session, Madison county commission chairman salary of—
HB 913, page 1206

ACTS REPEALED, LOCAL ACTS (Continued)

1979 acts, act 79-505, regular session, Madison county commission, salaries of—
HB 910, page 1206

1979 acts, act 79-505, regular session, Madison county coroner, salary of—
HB 907, page 1205

1979 acts, act 79-505, regular session, Madison county probate judges salary—
HB 912, page 1206

1979 acts, act 79-635, regular session, Morgan county sheriffs department employees, salaries—
SB 428, pages 590, 608, 666, 790

1980 acts, act 80-519, regular session, Lamar county commission, disposal of property under control of—
HB 678, pages 479, 537, 578

1981 acts, act 81-841, regular session, Escambia county jury commission—
SB 320, pages 553, 554, 608, 667, 790

1982 acts, act 82-373, regular session, Madison county commission, expense allowances—
HB 911, page 1206

AD VALOREM TAXATION

Cater act, exemptions under, provided further for—
HB 595, page 349

Counties to levy and collect—
HB 6, page 6

Exemptions under the Cater act limited—
HB 709, page 565

Exemptions under the Wallace act limited—
HB 711, page 565

Homestead exemptions for persons sixty-five or older—
HB 373, pages 133, 603, 1086, 1089

Medical clinic boards leasehold property interest subject to—
HB 710, page 565

Persons over sixty-five, exemptions—
HB 34, page 11

States power to levy, rescinded—
HB 12, page 7

Wallace act, exemptions under provided further for—
HB 594, page 349

Assessment rates—
HB 41, page 13

Constitutional amendment regarding—
HB 40, page 12

AD VALOREM TAXATION (Continued)

Taxing authorities that have reduced, allowed to increase, by same amount—
HB 150

ADJOURNMENT

HJR 4, pages 5, 85, 97, 122
HR 5, pages 5, 92
HJR 45, pages 93, 132, 164, 181
HR 46, pages 93, 123
HJR 64, page 125
HR 65, pages 125, 160
HJR 81, page 161
HR 82, pages 161, 181
HJR 91, pages 183, 232, 258, 279
HR 92, pages 184, 234
HJR 100, pages 235, 293, 304, 312
HR 101, pages 235, 279
HJR 122, pages 283, 302, 308, 342
HR 123, pages 283, 312
HR 140, pages 327, 337, 338, 342
HR 141, page 327
HJR 150, pages 343, 379, 382, 393
HR 151, pages 344, 380
HJR 174, pages 382, 395, 402, 423
HR 175, pages 382, 393
HJR 192, pages 394, 474, 478, 533
HR 193, pages 394, 423
HJR 205, pages 424, 474, 478, 533
HR 206, pages 424, 474
HJR 221, pages 476, 556, 572
HR 222, pages 476, 534
HJR 228, pages 535, 580, 587, 595
HR 229, pages 535, 552, 554
HJR 237, pages 560, 594, 609, 641
HR 238, pages 560, 595
HJR 248, pages 596, 641, 644, 758
HR 249, pages 597, 641
HJR 254, pages 646, 800, 833, 899
HR 255, page 646
HR 284, page 771
HJR 286, pages 773, 808, 808, 833, 899
HR 294, pages 830, 899
HR 305, pages 901, 919
HR 309, pages 920, 973
HR 331, pages 974, 1021
HR 354, pages 1022, 1091
HR 365, pages 1092, 1095, 1180
HR 376, page 1183
HR 399, pages 1301, 1379
HR 419, pages 1381, 1538
HR 435, page 1539
HR 460, page 1684
HJR 510, pages 2045, 2074, 2077, 2079, 2079

ADMINISTRATIVE PROCEDURE ACT

Agency redefined, contested case, rule defined, requirements, appeals—
HB 764, pages 766, 982

Appeals from final assessment of taxes subject to—
HB 483, page 197

Effective and publication dates clarified—
HB 325, pages 112, 604

Effective date and publication date clarified—
HB 833, pages 993, 1026

Pardons and paroles hearings excluded as a contested case under—
HB 627, pages 403, 604

ADOPTION

Records of, viewing of, allowed only after court order—
HB 152, pages 34, 603, 1150, 1153

ADOPTION PROCEEDINGS

Rights of natural and adopting parents—
HB 699, page 563

Grandparents visitation rights provided for—
HB 557, page 319
HB 699, page 563

ADVERTISING

Deceptive, bait or false, prohibited—
HB 116, pages 26, 982
SB 113, pages 1082, 1083, 1184

AFRICAN SWINE FEVER

Eradication and control of—
HB 360, pages 119, 399, 809, 813

AGRICULTURAL COOPERATIVES OR ASSOCIATION

Permit fees raised—
HB 323, pages 112, 129, 1133, 1565, 1575, 1680

AGRICULTURAL LANDS

Alien absentee ownership prohibited—
HB 691, pages 539, 606, 1086, 1090, 1112, 1113

AGRICULTURE

Chicken and egg producers, legal rights of—
HB 596, pages 350, 398

Cooperatives or associations, initial and renewal permit fees raised—
HB 323, pages 112, 129, 1133, 1565, 1575, 1680

AGRICULTURE (Continued)

Grain dealers bond requirements—
HB 610, pages 352, 398, 1318
SB 376, pages 823, 823, 1027, 1318, 1474

Livestock dealers, bonding of, requirements—
HB 585, pages 348, 398, 1274

Soybeans and soybean products, assessments levied for the promotion of—
HB 178, pages 38, 314
SB 193, pages 819, 819, 1027, 1298

Swine diseases, eradication and control of—
HB 360, pages 119, 399, 809, 813

AGRICULTURE AND INDUSTRIES

Commissioner of, executive or confidential assistants, four, allowed to appoint—
HB 117, pages 26, 236, 1067, 1069

Department of, compliance officers designated—
HB 754, page 653

Security agreements, after acquired collateral, seed and crops—
HB 145, pages 32, 429
SB 97, pages 818, 819, 1361, 1573, 1658

Weighing and measuring devices, persons skilled in, registration of—
HB 213, pages 45, 103
SB 114, pages 1081, 1082, 1184

AIRCRAFT

Landing of, on public highways or streets, prohibited—
HB 355, pages 118, 437, 1314, 1315

ALABAMA ADMINISTRATIVE PROCEDURE ACT

Surface mining commission exempt from—
HB 300, pages 107, 239, 1284, 2072, 2074, 2079
SB 466, pages 966, 967, 1358

ALABAMA BUREAU OF STATE LOTTERIES

Established—
HB 1, page 5
HB 2, page 6

ALABAMA BUSINESS CORPORATION ACT

Amended and clarified—
HB 70, page 18
SB 140, pages 1344, 1345, 1383

Stock exchanges, dissenting shareholders rights—
HB 195, pages 42, 102, 1169, 1170
SB 120, pages 972, 972, 983, 1169, 1209

ALABAMA CONGRESSIONAL DELEGATION

Urged to aid Alabama farmers—
HJR 209, pages 442, 644, 659, 825

ALABAMA COUNCIL ON THE ARTS AND HUMANITIES

Appropriation provided—
HB 701, page 563

ALABAMA DEPARTMENT OF AGRICULTURE AND INDUSTRIES

Commended—
HJR 378, pages 1192, 1668, 1690, 1933

ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

Hazardous waste treatment facility or disposal site, approval urged—
HJR 418, pages 1378, 1442, 1443

ALABAMA DEVELOPMENT OFFICE

Abolished—
HB 23, page 9

Enterprise zones, establishment of, authority—
HB 109, page 25

ALABAMA ECONOMIC DEVELOPMENT BOARD

Created—
SB 505, pages 1351, 1545

ALABAMA, GROUP

Commended—
HJR 115, pages 257, 369, 376, 380

ALABAMA HERITAGE TRUST INCOME

Tuskegee institute, appropriation to—
HB 844, page 1033
SB 379, pages 1489, 1687

ALABAMA HIGHWAY 79

Goodyear boulevard, designated as—
SJR 9, pages 87, 88, 300, 328

ALABAMA HOUSING FINANCE AUTHORITY

Membership increased, period for bond issuance limited—
HB 612, pages 352, 397, 1134
SB 389, pages 815, 815, 1030, 1135, 1210

ALABAMA INDIAN AFFAIRS COMMISSION

Created—
HB 683, page 480
HB 813, pages 924, 1026, 1162, 1246, 1467

ALABAMA INSTITUTE FOR DEAF AND BLIND

Girls basketball and track teams, commended—
SJR 73, pages 299, 329

Harry L. Baynes hall, named—
SJR 149, pages 792, 864

Robert Weaver cottage, named—
SJR 148, pages 792, 864

ALABAMA LIMITED PARTNERSHIP ACT OF 1983

Limited partnership laws revised—
HB 196, pages 42, 237, 1307, 1308
SB 127, pages 593, 594, 762, 1307, 1444

ALABAMA MARBLES CHAMPIONSHIP TOURNAMENT

City of Aliceville, official site—
HJR 119, pages 270, 369, 376, 380

ALABAMA MEDICAID AGENCY

Rescind proposed cutbacks, urged—
HJR 195, page 408

ALABAMA MEDICAL RECORD ASSOCIATION

Congratulated—
SJR 278, pages 1498, 1658

ALABAMA OIL AND GAS STUDY COMMITTEE

Created—
HJR 394, pages 1223, 1692

ALABAMA POULTRY WEEK

Declared—
SJR 79, pages 486, 524

ALABAMA SHAKESPEARE FESTIVAL

Ayers, Josephine E., commended—
SJR 232, pages 1076, 1211

ALABAMA SHAKESPEARE FESTIVAL THEATRE FINANCE AUTHORITY

Authorized and incorporated—
HB 128, pages 28, 126, 344, 530, 827, 828, 899

ALABAMA STATE EMPLOYMENT SERVICE

Commended—
HJR 22, pages 73, 185, 215, 234

ALABAMA STATE FLAG

Designers of, memorial placed in capitol honoring—
HB 123, page 28

ALABAMA STATE UNIVERSITY

Board of trustees, additional member provided for—
HB 649, pages 407, 536, 1006, 1497, 1516, 1537

ALABAMA SURFACE MINING CONTROL AND RECLAMATION ACT OF 1981

Administrative procedure act, commission exempt from—
HB 300, pages 107, 239, 1284, 2072, 2074, 2079
SB 466, pages 966, 967, 1358

ALABAMA UNIFORM PARENTAGE ACT

Paternity, determination of—
HB 339, pages 114, 431, 1317, 1320, 1329
SB 455, pages 1350, 1351, 1550

ALABAMA'S ADULT EDUCATORS

Commended—
HJR 300, pages 881, 1182, 1214, 1299

ALABAMA'S ENGINEERING COLLEGES

Interim commission on, commended—
HR 504, page 1945

ALCOHOL AND DRUG ABUSE

State department of, created—
HB 757, page 653

ALCOHOL AND DRUG ABUSE BOARD

Created—
HB 757, page 653

ALCOHOL AND DRUG ABUSE FUND

Created—
HB 757, page 653

ALCOHOLIC BEVERAGE CONTROL BOARD

Beer and license division employees of, defined as state policemen under employees retirement system—
HB 547, page 291

State policemen retirement system, certain employees of, to be considered as active members of—
HB 659, page 439

ALCOHOLIC BEVERAGES

Draft beer, sale of legalized—
HB 28, page 10

Legal age raised—
HB 18, page 8
HB 283, pages 58, 604, 940, 944, 959, 960, 962, 963, 964, 965, 999, 1001, 1002

ALCOHOLIC BEVERAGES (Continued)

Mark up on, percentage of, to general fund—
HB 248, pages 52, 100, 170, 1099, 1100, 1104, 1180

Native farm winery defined—
SB 145, pages 1351, 1383

Table wine, tax levied on—
HB 442, page 188

Table wine, tax on, levy, collection and distribution of—
HB 395, pages 138, 281, 344, 492, 505, 1239, 1481, 1502, 1503, 1565, 1575, 1680

Territorial agreements designated—
HB 149, pages 33, 241, 1060, 1061, 1063, 1067

Wet/dry referendum, time period between, changed—
HB 685, page 538

ALEXANDER CITY

Cable t.v. system, allowed to own and operate—
HB 725, pages 610, 1028, 1102, 1528, 1542, 1679

ALFORD, VICTOR

Commended—
HR 498, page 1944

ALIBI DEFENSE

Notice to district court, continuing duty of disclosure—
HB 259, page 54

ALLEN, EMMA

Commended—
HJR 302, pages 883, 1182, 1214, 1299

ALLEN MEMORIAL HOME, INC.

Sales and use taxes, exempt—
HB 118, page 27

AMARI-LAYTON ACT

Named
HJR 520, page 2051

AMBULANCES

Semiannual safety and medical equipment inspections, required—
HB 209, page 44

AMERICAN ASSOCIATION OF UNIVERSITY WOMEN

Taxation, exempt—
HB 272, page 56

AMERICAN LEGION AUXILIARY

Sponsorship of Alabama girls state program, commended—
SJR 122, pages 485, 486, 524

AMERICAN LEGION SCHOLARSHIPS

Appropriations for matching, increased—
SB 236, pages 815, 815, 1385

AMERICA'S JUNIOR MISS PROGRAM

Commended—
HR 292, page 795

AMOS, DR. CATHERINE STEINMITZ

Commended—
HJR 431, pages 1415, 1667, 1691, 1934

AMPHETAMINES

Dispensing of, regulated—
HB 624, pages 402, 603
SB 298, pages 1177, 1178, 1360

ANATOMICAL GIFTS

Execution mode for person under death sentence wishing to make—
HB 391, pages 137, 241

ANDALUSIA ROTARY CLUB WORLD CHAMPIONSHIP DOMINO TOURNAMENT

Sales and use taxes, exempt—
HB 10, page 7
SB 190, pages 591, 592

ANDERSON, CLARENCE N.

Commended—
HJR 107, page 253

ANDERSON, HARRY A.

Commended—
HR 127, page 294

ANDERSON, PAUL C.

Commended—
HR 60, page 120

ANIMALS

Abused and neglected, municipalities taking or disposing of, powers of—
HB 611, pages 352, 762

APIARIST

State, designation provided for—
HB 398, pages 138, 236

APPEAL

State of Alabama, by, provided for—
HB 78, page 20
HB 268, pages 56, 605

APPLING, ROBERT LAWRENCE

Commended—
HR 417, page 1378

APPORTIONMENT COMMISSION

Constitutional amendment, creating—
HB 282, page 58

Created—
HB 401, page 139

APPROPRIATIONS

Alabama council on the arts and humanities, provided—
HB 701, page 563

Alternative provided for failure of legislature to adopt—
HB 428, page 166

American legion scholarships, matching, increased—
SB 236, pages 815, 815, 1385

Bailey, John W., provided—
HB 587, pages 348, 902, 1312, 2042, 2042, 2078

Board of heating and air conditioning contractors, provided—
HB 572, page 321

Colleges and universities, from oil and gas lease monies—
SB 95, pages 815, 816, 1356

Department of corrections, provided—
HB 600, page 350

Department of public health, provided for purchase of rubella vaccine—
HB 765, pages 767, 902, 1269

Education, state department of, supplemental made to, for apprenticeship program—
HB 518, page 285

Educational television studio in Mobile county, provided to establish in—
HB 333, page 113

APPROPRIATIONS (Continued)

Federal emergency management agency, for states share of—
HB 592, page 349

Fifteenth judicial circuit provided, for additional circuit judgeship—
HB 326, page 112

General fund budget, provided—
HB 236, pages 50, 603, 688, 765, 768, 769, 770, 770, 1795, 1889, 1894, 1946, 2041, 2043, 2071, 2071, 2078

General fund, from, for interest on public debt—
HB 242, pages 51, 100, 228
SB 270, pages 392, 426, 476, 501

Heritage trust fund, for expenses of—
SB 331, pages 971, 971, 1030, 1174, 1210

Legislature, additional provided—
HB 752, pages 652, 759, 872
SB 484, pages 899, 899, 903, 1010, 1023

Legislature to appropriate all public funds—
HB 541, page 290

Lyman Ward military academy, provided—
HB 241, pages 51, 761, 870, 871, 1683, 1728, 1934

Marion military institute, provided—
HB 240, pages 51, 761, 870, 1682, 1728, 1934

Norris, Clarence, provided—
HB 560, pages 320, 1385

Secretary of state, supplemental, provided—
SB 385, pages 819, 819, 1355, 2068, 2076

Soil and water conservation committee, supplemental, provided—
HB 492, page 198

Special educational trust fund budget, provided—
HB 245, pages 51, 761, 833, 863, 865, 868, 868, 869, 1753, 1793, 1794, 1795, 1941, 2078

State prisoners, provided to cover housing costs of by counties—
HB 100, page 23

State textbook allocation fund, provided—
HB 332, page 113

Talladega college, provided—
HB 239, pages 51, 761, 869, 1682, 1728, 1934

Tuskegee institute, provided—
HB 238, pages 51, 761, 869, 1682, 1728, 1934

Walker county junior college, provided—
HB 237, pages 51, 761, 868, 1682, 1728, 1934

ARBITRATION AND AWARDS

Minimum standards and procedures—
SB 258, pages 1491, 1492

ARCHERY

State archery hunting license or stamp provided for—
HB 781, page 875

ARCHITECTS

Board of registration of, continued—
HB 367, pages 120, 239, 387, 582, 588, 595

Legal actions against, time period for bringing—
HB 819, pages 990, 1384
HB 822, pages 991, 1356

ARMISTEAD, MR. AND MRS. COLE

Honored—
HR 173, page 375

ARREST

Deadly force, instance where, may be used in making, altered—
HB 783, page 876

ARSON

Paraphernalia used in, defined—
HB 279, pages 57, 315, 1303, 1304
SB 22, pages 1348, 1349, 1549

ARTICLES OF INCORPORATION

Amending of, procedure changed—
HB 368, page 120

ARTS AND HUMANITIES

Alabama Shakespeare festival theatre financial authority authorized and incorporated—
HB 128, pages 28, 126, 344, 530, 827, 899

ASHMORE, STEPHANIE KAY

Commended—
HR 285, page 771
HJR 319, pages 929, 952, 957, 1090

ASSOCIATION FOR RETARDED CITIZENS OF ALABAMA, INC.

Sales and use taxes, exempt—
HB 779, page 875
SB 296, pages 968, 968

ATCHISON, ALDRIEDGE O'GRADY

Death mourned—
HR 387, page 1219

ATHENS

City of, boundaries altered—
HB 422, pages 164, 183, 277, 580, 587, 595

ATKINSON, MR. AND MRS. DREW BAUMHAUER

Congratulated—
HR 492, page 198

ATTORNEY GENERAL

Salary set by legislature—
HB 251, page 52

ATTORNEY GENERALS INVESTIGATORS

Authority and powers of, prescribed—
HB 104, page 24

ATTORNEYS FEES

Civil actions, awarding of in, provided for—
HB 646, page 406

AUBURN UNIVERSITY

Recruitment of black faculty, urged—
HJR 161, page 356

Rosen, Coach Mel, commended—
SJR 289, pages 1927, 1946

Thanked—
HJR 204, pages 413, 515, 522, 533

AUTAUGA COUNTY

Sheriff, additional expense allowance—
SB 194, pages 296, 297

AUTO TAGS

Constables, distinctive provided for—
HB 113, pages 26, 130

AVERAGE DAILY MEMBERSHIP

Teacher units determined on basis of—
HB 338, page 114

AYERS, JOSEPHINE E.

Commended—
SJR 232, pages 1076, 1211

AYERS, MARION B.

Death mourned—
HR 356, page 1036

BACK TO SCHOOL WEEK

Declared—
HJR 517, page 2049

BAD CHECKS

Giving of, for tax liability, crime of—
SB 308, pages 1490, 1549

Punishment increased—
HB 164, page 36

BAHA'I

Iranian persecution of, condemned—
HR 143, page 328
HJR 144, pages 330, 871, 884, 899

BAIL

Preventive detention through denial of, provided for—
HB 277, page 57

BAILEY, JOHN W.

Appropriation provided—
HB 587, pages 348, 902, 1312, 2042, 2042, 2078

BAIN, MR. AND MRS. SIMP McKEE

Commended—
HR 479, page 1747

BAKER, MARK

Commended—
HR 190, page 390

BALDWIN COUNTY

Board of health, fee schedule fixed—
HB 135, pages 30, 104, 153, 1461, 1471, 1537

Forest protection levy assessed—
HB 132, pages 30, 104, 153, 1460, 1471, 1537

Mobile county, boundaries defined—
HB 638, pages 405, 537, 1137, 1456, 1463, 1536

Motor vehicle license tax and registration fee levied—
HB 886, pages 1200, 1553

Probate judge, special document recording fee for electronic data processing equipment—
HB 131, pages 30, 104, 153, 1460, 1471, 1537

Sales tax, additional levied—
HB 609, pages 352, 477, 543, 1456, 1463, 1536

Sewage treatment facilities, regulated—
HB 835, pages 993, 1553

Wreckers, rotation system for, regulations—
HB 482, pages 196, 282, 336, 1709, 1733, 1935

BALDWIN COUNTY DELEGATION

Appreciation expressed—
HJR 432, pages 1479, 1566, 1576, 1680

BAMBERG, R. C.

Confirmation urged—
HR 452, page 1562

BANK INVESTIGATORS

Qualifications, powers, appointment and removal—
HB 802, page 922

BANKS AND BANKING

Bank investigators, qualifications, powers, appointment and removal—
HB 802, page 922

Branch banking authorized—
HB 437, page 187
HB 438, page 187

Branch banks permitted within metropolitan statistical areas—
HB 394, pages 137, 163, 268, 428

Credit unions, examination fees provided for—
HB 80, page 20, 163

Credit unions provided for—
HB 165, pages 36, 163, 1119, 2073, 2074, 2079
SB 130, pages 1080, 1081

Lenders of money, bad check charges of, not restricted—
HB 656, pages 438, 905

Small loan act, licensees under, annual reports of—
HB 496, pages 245, 428, 1277

Small loan licensees, license fee increasd—
HB 501, page 246

State banks allowed to own savings and loan associations outside of Alabama—
HB 370, pages 132, 162, 523, 525, 526, 580, 583, 588, 686, 777

BAR EXAM

Birmingham school of law, Jones law institute and Miles college, graduates of, allowed to take—
SB 278, pages 1080, 1185

BAR EXAMINERS

Board of, continued—
HB 366, pages 120, 239, 387, 583, 588, 595

BAR PILOTS

Fee schedule revised—
HB 457, pages 191, 239, 345, 491, 1378, 1388, 1536
SB 295, pages 972, 972, 1025

BARBERS

State board of barber examiners established—
HB 485, page 197
SB 47, pages 815, 815, 1025

BARBOUR COUNTY

Board of education abolished, new board created—
SB 558, pages 1663, 1665

Sheriffs office clerk, compensated—
HB 905, pages 1205, 1365, 1434

BARFIELD, MAJOR GENERAL THOMAS H.

Commended—
HJR 71, pages 144, 232, 232, 279
SJR 45, pages 266, 326

BARNES, BETTY

Commended—
HJR 314, pages 926, 952, 957, 1090

BARRON, JUDGE BISHOP N.

Death mourned—
SJR 6, pages 87, 199

BARRON, LONA

Commended—
HR 276, page 677

BARRON, MRS. GLADYS PORTERFIELD

Death mourned—
SJR 13, pages 89, 200

BASSETT, LEE GARDNER

Honored—
HJR 28, pages 76, 186, 215, 234

BATES, JOHN AUSTIN

Commended—
HR 242, page 562

BATTLES, PAM

Commended—
HJR 298, pages 880, 1182, 1214, 1299

BAYNES, HARRY L.

Alabama institute for deaf and blind, hall named—
SJR 149, pages 792, 864

BEACHES

Red clay, use of, on, prohibited—
HB 552, pages 292, 400
SB 333, pages 1083, 1361

BEALLE, MR. J. RUFUS

Outstanding service to university of Alabama, commended—
SJR 174, pages 794, 864

BEER

Draft, sale of legalized—
HB 28, page 10

BELL, DR. GEORGE C.

Remembering—
HJR 263, pages 661, 1181, 1213, 1299

BENDALL, VALERIE RHEA

Commended—
HJR 43, pages 86, 186, 216, 234
SJR 27, pages 90, 200

BERRY, BERTHA

Commended—
HJR 299, pages 881, 1182, 1214, 1299

BESSEMER

City of, elected officials, retirement allowances—
HB 532, page 288
HB 823, pages 991, 1186, 1422

BETTING AND WAGERING

Funds from pari-mutuel, certain, paid into general fund—
HB 434, page 166

BIBB COUNTY

Board of education, expense allowance—
HB 827, pages 991, 1029, 1108, 1707, 1735, 1935

Pistol permit fees increased—
HB 828, pages 991, 1029, 1109, 1707, 1735, 1935

Tobacco products, taxes levied on—
HB 829, pages 992, 1029, 1109, 1916, 1917, 1941, 2078

BIENNIAL SESSIONS

Legislature, provided for—
HB 192, pages 41, 100
HB 193, pages 41, 100

BIRDS AND ANIMALS

Protected, taking of, penalties provided—
HB 622, pages 392, 905

BIRDSONG, DR. W. E.

Honored—
HJR 466, page 1699

BIRMINGHAM

Council employees may elect to withdraw from pension system—
HB 706, pages 564, 1366, 1437

Horse racing commission created—
HB 553, pages 292, 1101, 1186, 1393, 1408
HB 670, page 441

Municipal planning commission, supernumerary members of, appointed—
HB 350, pages 117, 436, 576, 1191, 1221, 1299
SB 198, pages 824, 825, 872, 937, 956, 1032

BIRMINGHAM CRUISING CLUB

Commended—
HJR 44, pages 91, 186, 216, 234

BIRMINGHAM FOOTBALL FOUNDATION, INC.

Sales and use taxes, exempt—
HB 88, page 21

BIRMINGHAM NEWS, THE

Commended—
HJR 343, pages 980, 1668, 1690, 1933

BIRMINGHAM REGIONAL PLANNING COMMISSION

Blount, Jefferson, St. Clair, Shelby and Walker counties, water works boards, fire, water and sewer authorities and boards, in, collection of charges provided for—
HB 524, page 286

BIRMINGHAM SCHOOL OF LAW

Bar exam, graduates of, allowed to take—
SB 278, pages 1080, 1185

BLACK, MR. AND MRS. HARRY PELHAM

Commended—
HJR 54, pages 97, 186, 216, 234

BLACK WARRIOR WILDLIFE MANAGEMENT AREA

Expanded—
HB 690, pages 539, 905, 1270, 1272

Expansion of—
HB 533, page 288

BLIND PARENTS

Educational benefits for dependents of, family income monetary restrictions eliminated—
HB 768, pages 768, 1354, 1614, 1615

BLOOD

Seventeen year olds allowed to donate—
SB 111, pages 1178, 1386

BLOUNT COUNTY

School property insured—
HB 423, pages 165, 245, 302, 335

BLOUNT, KAREN

Commended—
HR 88, page 180

BLUE REFLECTIVE MARKERS

Fire/water hydrants, to indicate location of, use of, provided for—
HB 322, pages 111, 347
SB 337, pages 1343, 1344, 1688

BOARD OF EDUCATION

State, comprehensive evaluation plan for differentiated salaries for superior performance, established—
HB 65, page 17

State, election of—
HB 715

State, statewide staff development program established—
HB 330, page 113

BOARD OF EXAMINERS IN COUNSELING

Waiver of examinations provided for—
HB 508, pages 248

BOARD OF VETERINARY MEDICAL EXAMINERS

Minimum standards for conducting medical clinics—
HB 474, pages 194, 396

BOARDING HOUSES

Regulated—
HB 86, page 21
HB 452, page 190

BOARDS OF EDUCATION

City and county, reasonable compensation plans for members, authorized to establish—
HB 523, pages 286, 430, 1133, 1141, 1142, 1574, 1577, 1680

Fiscal year changed—
HB 334, page 113

Local, lump sum payment for accumulated sick leave, to pay employees upon leaving system—
HB 414, page 141

Local, person appointed to accept resignations of employees—
HB 337, page 114

BOARDS OF EDUCATION (Continued)

School officials in civil actions due to performance of duties, required to defend—
HB 502, page 246

BOATS AND BOATING

Operating of certain by persons under 16 years of age without adult supervision, prohibited—
HB 408, pages 140, 340, 399

BOLLING, RICKY

Commended—
HR 63, page 122

BONDS

State industrial development authority authorized to issue—
HB 895, pages 1202, 1353
SB 555, pages 1488, 1489, 1551

State treasurer, coupon, converted into registered, duties of—
HB 463, pages 192, 428

BONNER, DR. LEON W.

Commended—
HJR 132, pages 294, 369, 376, 380

BOWEN, LINDA

Commended—
HJR 383, pages 1216, 1925, 1942, 2078

BOX, CLAUDETTE CLEEK

Death mourned—
HJR 404, pages 1368, 1455, 1457, 1536

BOZEMAN, MR. PACE W.

Death mourned—
SJR 78, pages 486, 524

BRADBERRY, HATTIE

Commended—
HR 275, page 677

BRANCH BANKING

Authorized—
HB 437, page 187
HB 438, page 187

BRANCH BANKS

Metropolitan statistical areas, permitted in—
HB 394, pages 137, 163, 268, 428

BREEDLOVE, MR. AND MRS. BREMON

Commended—
HR 499, page 1944

BREWBAKER JUNIOR HIGH SCHOOL SYMPHONIC BAND

Commended—
SJR 69, pages 297, 329

BRIDGEPORT HIGH SCHOOL

Governor's youth traffic safety club, commended—
HR 199, page 411

BROOKS, VADA ELIZABETH CALLAHAN

Commended—
HR 481, page 1748

BROTHERTON, JUDGE JAMES C.

Honoring—
HJR 446, pages 1557, 1566, 1576, 1680

BROWN, JESSEE

Congratulated—
HJR 335, pages 977, 1667, 1690, 1933

BRYAN, DR. ROBERT LAWSON

Commended—
HJR 395, pages 1224, 1925, 1942, 2078

BUDGET MANAGEMENT

State agencies and departments—
SB 305, pages 1178, 1358

BUDGET OFFICER

State, to serve at pleasure of state finance director—
HB 198, pages 42, 102, 303, 1160, 1161, 1167, 1180

BUDGET SESSIONS

Even numbered year legislative sessions limited to—
HB 207, pages 44, 315

BUDGETS

General fund, provided
HB 236, pages 50, 603, 688, 765, 768, 769, 770, 770, 1795, 1889, 1894, 1946, 2041, 2043, 2071, 2071, 2078

Special educational trust fund budget provided—
HB 245, pages 51, 761, 833, 863, 865, 868, 869, 1753, 1794, 1795, 1941, 2078

BUFFINGTON, ORMAND

Commended—
HR 120, page 278
HJR 87, pages 168, 278, 280, 312

BUGGING

Telephone communications, intercepting or monitoring of, crime of—
HB 515, pages 249, 535, 1170, 1319, 1386, 1388, 1392, 1393, 1408, 1409, 1419, 1457, 1475

BUILDERS

Legal actions against, time period for bringing—
HB 819, pages 990, 1384
HB 822, pages 991, 1356

BULLOCK COUNTY

Forestlands, assessments levied and collected—
HB 733, pages 612, 1028, 1103, 1458, 1468, 1537

BURDICK-WEST HOSPITAL

Accreditation, congratulated—
SJR 185, pages 1928, 1945

BUREAU OF PUBLICITY AND INFORMATION

Abolished—
HB 23, page 9

BURGLARY

Crime of, defined—
HB 299, pages 61, 128, 1267, 1895, 1939, 2078
SB 21, pages 1348, 1349, 1549

Dwelling house need not be lawfully occupied—
HB 167, page 37

BURNETT, ANTHONY

Commended—
HR 288, page 781

BUSINESS AND LABOR

Closing of industry, procedures to aid workers adversely affected by, commissioner of labor to establish—
HB 126, pages 28, 129, 1117, 1524, 1526, 1541, 1679

Enterprise zones, authorized and established—
HB 109, page 25

Prevailing wage, state's public policy, expressed, required—
HB 106, pages 24, 240
SB 71, pages 1079, 1093, 1281, 1282

BUSINESS CORPORATION ACT

Alabama, amended and clarified—
HB 70, page 18
SB 140, pages 1344, 1345, 1383

BUSINESS CORPORATION ACT (Continued)

Amended—
HB 368, page 120

Stock exchange, dissenting shareholders rights—
HB 195, pages 42, 102, 1169, 1170
SB 120, pages 972, 972, 983, 1169, 1209

BUTLER COUNTY SHERIFFS POSSE ASSOCIATION

Sales and use taxes, exempt—
HB 405, page 139

CABLE TELEVISION FACILITIES

Public service commission, certificates of convenience and necessity—
HB 848, page 1034

CABOOSE

Trains, all required to have—
HB 392, page 137

CABLE T.V. OPERATIONS

Exclusive franchises, municipalities prohibited from granting—
HB 17, page 8

Gross receipts tax levied on—
HB 15, page 8

Public service commission to regulate—
HB 16, page 8

CAHABA RIVER

Protected, preserved, scenic corridor established—
HB 160, page 35

CAIN, JOHNNIE B.

Commended—
HJR 211, pages 443, 515, 522, 533

CAIN, THERESA

Commended—
HR 495, page 1943
HJR 515, page 2048

CALHOUN COUNTY

Deputy sheriffs compensation—
HB 797, pages 878, 985, 1048, 1684, 1731, 1934

Fees for issuing motor vehicle license tags by mail—
HB 410, pages 140, 183, 277, 1683, 1729, 1934

Health officers authorized to issue death certificates—
SB 345, pages 421, 422, 431, 483, 524

CALHOUN COUNTY (Continued)

Industry week, designated—
HJR 405, pages 1368, 1455, 1457, 1536

Judicial circuit, shall constitute a separate—
HB 558, pages 319, 1353

Motor vehicle license tags issued by mail, fees—
SB 440, pages 590, 591, 985, 1047, 1053

Sales tax levied—
HB 849, pages 1034, 1185, 1418, 1705, 1735, 1935
SB 537, pages 1492, 1493, 1546, 1711, 1740

CALLAN, NAN

Commended—
HR 464, page 1698

CAMP SMILE WEEK

Declared—
HR 235, page 559

CAMPAIGN CONTRIBUTIONS AND EXPENDITURES

Pre-election disclosure of, required—
HB 3, page 6

CAMPBELL, HARRY

Northeast Alabama state junior college, business and education building, named—
SJR 251, pages 1929, 2054, 2075

CAPITOL RESTORATION

Provided for—
HB 693, pages 539, 606, 1115, 2073, 2075, 2079
SB 435, pages 1178, 1357

CARDIOPULMONARY RESUSCITATION

Instructions in, in public schools required—
HB 446, pages 189, 241, 344, 549, 1379, 1388, 1536

CARVER HIGH SCHOOL RAMS

Commended—
HR 181, page 388

CATER ACT

Ad valorem exemptions limited—
HB 709, page 565

Ad valorem tax exemptions under, provided further for—
HB 595, page 349

CEDAR BLUFF

Town of, boundaries altered—
HB 258, pages 53, 105, 155, 1708, 1733, 1935

CENTER POINT FIRE DISTRICT SERVICE AREA

Committee to study, established—
HJR 72, page 145
HJR 124, page 283

CENTRAL CHURCH OF CHRIST CHILDRENS HOME OF TUSCALOOSA

Sales and use taxes, exempt—
HB 653, page 408

CENTRAL STANDARD TIME

State changed from, to eastern standard time—
HB 314, page 110

CENTRE

City of, boundaries altered—
HB 918, pages 1376, 1384, 1561

CEREMONIAL FUNERALS

National guard allowed to furnish for eligible veterans—
HB 94, pages 22, 477, 1367
SB 330, pages 1349, 1351, 1383

CHAMBERS COUNTY

Board of education appropriated varying sums to cover cost of utilities, janitorial cost, postage and supplies—
HB 756, page 653

Branch banks authorized—
HB 96, page 23
SB 73, pages 488, 489

Soil percolation tests, county health department to perform—
HB 619, pages 391, 608, 665, 669, 1683, 1730, 1934

CHANGE OF VENUE

Eviction actions—
HB 464, pages 192, 433

CHANNELL, JUDDY LEAMON

Death mourned—
HR 183, page 388

CHAPLAINS

Employed by state, housing allowance exempt from income tax—
HB 49, page 14

CHARITABLE ORGANIZATIONS

Payroll deductions for, defined—
SB 104, pages 821, 822, 1358

CHENAULT, JEAN ELKINS

Commended—
HJR 456, pages 1583, 1732, 1739, 1936

CHICKASAW

City of, boundaries altered—
HB 424, pages 165, 347, 454, 572, 616, 665, 886, 933, 995, 1044, 1102, 1240, 1416

CHICKEN GROWERS

Legal rights of—
HB 596, pages 350, 398

CHIEF JUSTICE

Judges application for retirement based on mental or physical disability, medical board to make recommendations to—
HB 467, page 193

CHILD

Redefined in terms of court proceedings—
HB 348, page 116

CHILD ABUSE AND NEGLECT

Childrens trust fund established to combat—
HB 56, pages 15, 162, 1165, 1166, 1898, 1938, 2078

CHILD ABUSE AND NEGLECT PREVENTION BOARD

Created—
HB 57, pages 16, 162, 1166, 1167, 1899, 1938, 2078

CHILD CUSTODY

Interference with, penalty changed to a felony—
HB 214, pages 45, 127, 781, 1497, 1516, 1537
SB 517, page 1344

CHILD CUSTODY AND VISITATION RIGHTS

Venue with respect to filing petitions to modify divorce decrees relating to—
HB 673, page 478
SB 388, pages 1085, 1086, 1550

CHILD ENTICEMENT

Separate crime of created—
HB 347, pages 116, 1024, 1154, 1156

CHILD PORNOGRAPHY

Defined and prohibited—
HB 24, pages 10, 127, 303
HB 284, page 58

CHILD SUPPORT

Court ordered income withholding for, provided for—
HB 307, pages 108, 435, 1132

Ordered by trial courts, to whom payments to be made provided for—
HB 459, pages 191, 434
SB 335, pages 1662, 1685

CHILDREN

Pornography, display and distribution of, to, prohibited—
HB 285, pages 58, 1024
SB 153, pages 1347, 1348, 1549

CHILDRENS HOME, INC., OF HUNTSVILLE

Sales and use taxes, exempt—
HB 92, page 22

CHILDRENS HOSPITAL

Commended—
HJR 207, pages 425, 645, 658, 825

CHILDRENS TRUST FUND

Established to combat child abuse and neglect—
HB 56, page 15, 162, 1165, 1166, 1898, 1938, 2078

CHILTON COUNTY

Coroner, expense allowance, additional—
HB 869, pages 1195, 1363, 1426

Litter laws for—
HB 513, pages 249, 282, 336, 1709, 1733, 1935

CHIROPRACTIC EXAMINERS

State board of, appropriation provided—
HB 551, pages 292, 1356, 1573

State board of, preceptorship and extern program established by—
HB 20, pages 8, 396, 809, 811, 1535, 1541, 1679
SB 9, pages 817, 817, 1381

CHISUM, RAYMOND VAUGHN

Commended and congratulated—
SJR 87, pages 486, 524

CHOCTAW COUNTY

Beer tax distributed—
HB 831, pages 992, 1029, 1110, 1684, 1731, 1935

Forest protection, assessments for—
HB 451, pages 190, 281, 364, 1461, 1471, 1537

Sheriff, confiscated property, allowed to sell at public auction—
HB 111, pages 25, 104, 151, 1681, 1727, 1934

CHUCK WAGON GANG

Commended—
HJR 297, pages 879, 1182, 1214, 1299

CIBA-GEIGY CORPORATION

Employees, commended—
HJR 380, pages 1208, 1565, 1576, 1680

CIGARETTE TAXES

Industrial development bonds, reallocated to retire—
HB 903, pages 1204, 1354
SB 556, pages 1488, 1489, 1552

CIRCUIT CLERKS

Deputy, supplemental salaries of, election of—
HB 473, pages 194, 432

CITIES

Alexander City, cable t.v. system, allowed to own and operate—
HB 725, pages 610, 1028, 1102, 1528, 1542, 1679

Athens, boundaries altered—
HB 422, pages 164, 183, 277, 580, 587, 595

Bessemer elected officials, retirement allowances—
HB 532, pages 288
HB 823, pages 991, 1186, 1422

Birmingham council employees may elect to withdraw from pension system—
HB 706, pages 564, 1366, 1437

Centre, boundaries altered—
HB 918, pages 1376, 1384, 1561

Chickasaw, boundaries altered—
HB 424, pages 165, 347, 454, 572, 616, 665, 886, 933, 995, 1044, 1102, 1240, 1416

Citronelle, alcoholic beverage tax revenues distributed—
HB 184, pages 40, 106, 158, 1681, 1727, 1934

Class 5, enterprise zones, authorized to establish—
HB 203, pages 43, 318

Columbiana, boundaries altered-
HB 874, pages 1197, 1363, 1427, 1706, 1736, 1935

Decatur, utilities in, price increase for services regulated—
HB 917, pages 1207, 1365, 1481

Forkland, boundaries altered—
HB 672, pages 478, 556, 617, 1684, 1730, 1934

Gadsden, form of government, referendum held on—
SB 458, pages 820, 820, 921, 996, 1023

Hayden, boundaries altered—
HB 729, pages 611, 764, 890, 1705, 1734, 1935

CITIES (Continued)

Huntsville, alcoholic beverages, Sunday sales permitted—
HB 872, page 1196
SB 554, pages 1496, 1548, 1714, 1715, 1718, 1741

Huntsville, board of education, expense allowances—
HB 873, page 1196

Huntsville, mayor and city council, election and terms of office—
SB 200, pages 1495, 1496, 1548

Huntsville, municipal elections—
SB 497, pages 1233, 1235

Huntsville, special school taxes increased—
SB 552, pages 1496, 1548, 1719, 1720, 1741

Mobile, pension and relief system for policeman and firemen, benefits adjusted—
SB 277, pages 1494, 1495, 1686

Montgomery, veterinary clinics and animal hospitals, minimum standards—
HB 746, pages 651, 765, 892

Mobile, youth athletic board established—
HB 475, pages 195, 347, 454, 458, 1232, 1268, 1299

Oxford, boundaries altered—
SB 346, pages 421, 422, 431, 483, 520, 609

Oxford, civil service system, number of persons certified to fill vacancies increased—
SB 115, pages 296, 297, 318, 366, 367, 774, 814

Oxford, police chief included under civil service system—
SB 60, pages 296, 297, 317, 365, 420, 529, 533

Prichard, enterprise zones established—
SB 506, pages 1234, 1235, 1547, 1713, 1739

Prichard, pension and retirement fund—
HB 859, pages 654, 1026

Saraland, boundaries altered—
HB 717, page 566

Tarrant City, electric service territories established—
HB 881, pages 1198, 1365, 1436
SB 544, pages 1494, 1495, 1546, 1713, 1740

Tuskegee, Daniel "Chappie" James aerospace memorial, bonds issued for—
HB 847, pages 1034, 1094, 1417, 1705, 1738, 1935

Wilsonville, boundaries altered—
HB 815, pages 989, 1185, 1418, 1920, 1940, 2078

CITIES 5,000 OR LESS POPULATION

Civil service system, governing body may create or abolish—
HB 832, pages 992, 1025, 1312

CITIES 6,000 OR MORE POPULATION

City clerk and city treasurer, residency requirements—
HB 89, pages 21, 130, 1129
SB 137, pages 1491, 1492, 1545

CITIES 300,000 OR LESS POPULATION

Primary elections for governing bodies provided for—
HB 650, page 407

CITIZENS REVIEW BOARD

Law enforcement officers, for, county and municipal governments to create—
HB 171, page 37

CITRONELLE

City of, alcoholic beverage tax revenues distributed—
HB 184, pages 40, 106, 158, 1681, 1727, 1934

CITY CLERKS

Cities 6,000 or more population, residency requirements—
HB 89, pages 21, 130, 1129
SB 137, pages 1491, 1492, 1545

CITY COUNCILS

Meetings of, requirements—
HB 810, pages 923, 1362

CITY TREASURERS

Cities 6,000 or more population, residency requirements—
HB 89, pages 21, 130, 1129
SB 137, pages 1491, 1492, 1545

CIVIL ACTIONS

Attorneys fees, awarding of, in provided for—
HB 646, page 406

Date on which the elements of, shall first be deemed to accrue specified—
HB 309, pages 109, 345

CIVIL DEFENSE

Department of, appropriations provided—
HB 826, pages 991, 1030, 1140, 1921, 1922, 1941, 2078

CIVIL DEFENSE DEPARTMENT

Emergency management agency, name changed to—
HB 359, page 119
SB 46, pages 1080, 1358, 1614, 1693

CIVIL LIABILITY

Hazardous materials, discharge of, persons providing assistance exempt from—
HB 230, pages 49, 435, 1588, 1589

CIVIL SERVICE SYSTEM

Cities 5,000 or less population, governing body may create or abolish—
HB 832, pages 992, 1025, 1312

CLAIBORNE BRIDGE

Safeguards during construction of, urged—
HR 375, page 1176

CLANTON, DOVIE

Honored—
HR 423, page 1411

CLARK, DESSIE R.

Death mourned—
HJR 36, pages 80, 186, 215, 234
HR 37, page 81

CLARK, JOHNNY LOUIS

Commended—
HJR 397, pages 1279, 1925, 1942, 2078

CLARKE COUNTY

Branch banks authorized—
HB 692, pages 539, 556, 618, 1707, 1734, 1935

County commissioners to serve full time—
HB 707, pages 565, 650, 887, 1710, 1734, 1935

CLASS 1 MUNICIPALITIES

Horse racing commission created—
HB 553, pages 292, 1101, 1186, 1393, 1408
HB 670, page 441

Municipal planning commission, supernumerary members of, appointed—
HB 350, pages 117, 436, 576, 1191, 1221, 1299
SB 198, pages 824, 825, 937, 956, 1032

CLASS 2 MUNICIPALITIES

Form of government of, referendum held on—
HB 698, pages 562, 921, 997, 1044, 1174, 1240, 1416
HB 882, page 1198
HB 893, pages 1201, 1366, 1477
SB 536, pages 1662, 1686

CLASS 3 MUNICIPALITIES

Appointed boards and authorities, membership guidelines prescribed—
HB 777, page 875

Budget, amending of, adjustment of line items—
HB 775, page 874

CLASS 3 MUNICIPALITIES (Continued)

Legal actions brought or defended by, approval of governing body required—
HB 776, page 874

Reapportionment plan, governing body responsible for filing—
HB 778, page 875

CLASS 5 MUNICIPALITIES

Enterprise zones, authorized to establish—
HB 203, pages 43, 318

Leash law referendum authorized—
SB 245, pages 592, 763, 896, 905

CLASS 6 MUNICIPALITIES

Council-manager act of 1982, amended, form of government—
HB 850, pages 1035, 1183, 1385, 1585
SB 533, pages 1235, 1236, 1386, 1586, 1695

CLAY COUNTY

Forest fire protection, assessments for, levied—
HB 902, pages 1204, 1365, 1434

Judicial circuit, to constitute a separate—
HB 559, page 319

CLEBURNE COUNTY

Conveyances of real property, grantors and grantees addresses to appear on—
HB 900, pages 1203, 1365, 1433

Judicial circuit, shall constitute a separate—
HB 558, pages 319, 1353

Motor vehicle license tags, optional system of purchasing, by mail provided—
HB 898, pages 1203, 1364, 1432

Pistol permit fees fixed—
HB 897, pages 1203, 1364, 1432

Revenue commissioner, office of, created—
HB 896, pages 1202, 1364, 1432

Taxes, selling and redeeming lands for—
HB 899, pages 1203, 1365, 1433

CLEM, GLEN

Commended—
HJR 212, pages 444, 515, 522, 533

CLERKS AND REGISTERS SUPERNUMERARY FUND

Assets for which no corresponding liability exist, reversion to general fund—
HB 522, pages 286, 397

CLIKAS, REPRESENTATIVE STEVE

Congratulated—
HR 78, page 149

CLINE, BETTY JEAN

Commended—
HJR 153, pages 353, 395, 401, 422

COAL

Unauthorized severance of, measure of damages shall be fair market value of—
HB 449, page 189
SB 468, pages 966, 967, 1357, 1572, 1659

COASTAL AREA BOARD

Continued—

HB 362, pages 119, 238, 385

COASTAL COUNTIES

Zoning authority and land use planning, county governing bodies provided—
HB 731, pages 612, 763

CODE OF ALABAMA 1975, AMENDED

Section 1-1-4, state changed from central standard time to eastern standard time—
HB 314, page 110

Section 1-3-4, changing the fiscal year for the state—
HB 718, pages 566, 607

Section 1-3-8, holiday of the confederacy, state holiday observance—
HB 607, page 351
HB 791, page 877

Section 2-8-89, soybeans and soybean products, assessment levied for promotion of—
HB 178, pages 38, 314
SB 193, pages 819, 819, 1027, 1298

Sections 2-10-21 and 2-10-23, initial and renewal permit fees for agricultural cooperative or associations raised—
HB 323, pages 112, 129, 1133, 1565, 1575, 1680

Section 2-14-14, state apiarist provided for—
HB 398, pages 138, 236

Section 2-15-133, bonding of livestock dealers
HB 585, pages 348, 398, 1274

Sections 2-20-54, 20-2-24, and 34-24-360, controlled substances, amphetamines, dispensing of, regulated—
HB 624, pages 402, 603
SB 298, pages 1177, 1178, 1360

Section 2-31-4, grain dealers bond requirements—
HB 610, pages 352, 398, 1318
SB 376, pages 823, 823, 1027, 1318, 1474

CODE OF ALABAMA 1975, AMENDED (Continued)

Section 3-1-13, abused and neglected animals, municipalities taking or disposing of, powers of—
HB 611, pages 352, 762

Section 3-1-29, dog fights prohibited—
SB 87, pages 593, 594, 762

Sections 5-17-2, 5-17-3, 5-17-10, 5-17-11, 5-17-12, 5-17-15, 5-17-16 and 5-17-22, credit unions, provided for—
HB 165, pages 36, 163, 1119, 2073, 2074, 2079
SB 130, pages 1080, 1081

Sections 5-18-5 and 5-19-22, loans, persons making certain, license fees altered and distributed—
HB 509, pages 248, 608, 1171, 1174, 1899, 1940, 2078

Section 5-18-11, licenses under small loan act, annual reports of—
HB 496, pages 245, 428, 1277

Section 6-2-30, civil actions, date on which the elements of, shall first be deemed to accrue specified—
HB 309, pages 109, 345

Sections 6-2-38, 6-2-39, 6-2-36, and 6-2-410, statute of limitations on certain actions designated—
HB 310, page 109

Section 6-5-332, hazardous materials, discharge of, persons providing assistance, exempt from civil liability—
HB 230, pages 49, 435, 1588, 1589

Section 6-10-6, personal property, levy and sale under execution, property upon which debtor has granted a lien not subject to exemptions—
SB 510, pages 1483, 1484, 1550

Section 7-9-204, agriculture, security agreements—
HB 145, page 32, 429
SB 97, pages 818, 819, 1361, 1573, 1658

Section 7-9-403, mobile homes exempt from filing continuation statement after financing statement on a perfected security interest—
HB 329, pages 113, 163, 1311

Section 7-9-503, motor vehicle repossession, law enforcement agencies to be notified prior to—
HB 51, page 14

Section 8-6-3, securities brokers and dealers regulated—
SB 508, pages 1348, 1349, 1551

Sections 8-17-210, 8-17-211, 8-17-217, 8-17-218, 8-17-221, 8-17-222, 8-17-224, and 8-17-225, fireworks, regulated, sale of, fees, permits—
HB 556, pages 319, 426
SB 361, pages 818, 819, 904

CODE OF ALABAMA 1975, AMENDED (Continued)

Section 8-21-5, franchise agreements between retailers selling farm equipment, items exempt from repurchase requirements—
SB 224, pages 1082, 1083, 1185, 1593, 1594, 1695

Section 9-2-65, game and fish wardens retaining commissions upon retirement—
HB 42, pages 13, 243

Section 9-11-53, fishing licenses, persons age 65 or older not required to have—
HB 301, pages 107, 243, 1243, 1898, 1939, 2078

Section 9-11-54, totally disabled persons provided hunting and fishing licenses—
HB 144, pages 32, 398, 1164
HB 303, pages 107, 243

Sections 9-11-55, and 9-11-56, fishing licenses, non-resident annual and trip, fees set—
SB 276, pages 1342, 1544

Sections 9-11-244, and 9-11-245, protected birds or animals, taking of, penalties provided—
HB 622, pages 392, 905

Section 9-12-54.5, shrimping by persons other than licensed bait shrimp dealers—
HB 63, pages 17, 398, 1301

Section 9-12-82, oyster collection, commercial versus non-commercial—
HB 68, pages 17, 243, 345, 804, 805

Section 9-12-113, commercial fishing licenses, nets and seines, prices increased—
HB 411, page 140

Section 9-12-121, seafood law violations, maximum fine increased—
HB 67, pages 17, 1361

Section 9-13-11, arson paraphernalia defined—
HB 279, pages 57, 315, 1303, 1304
SB 22, pages 1348, 1349, 1549

Sections 9-16-93(f), 9-16-94(a), 9-16-95(f), 9-16-99(2), 9-16-75, 9-16-79(1)(a), 9-16-87(d), 9-16-89(h), 9-16-90(b)(10)(b.1), 9-16-92(a), 9-16-94(e), 9-16-105(a), Alabama surface mining control and reclamation act of 1981, amended—
HB 300, pages 107, 239, 1284, 2072, 2074, 2079
SB 466, pages 966, 967, 1358

Section 9-17-13, pooled drilling units, nonconsenting owners in, charges against—
SB 539, pages 1491, 1492, 1544

Sections 10-2A-2, 10-2A-26, 10-2A-41, 10-2A-66, 10-2A-69, 10-2A-79, 10-2A-93, 10-2A-111, 10-2A-114, 10-2A-116, 10-2A-117, 10-2A-180, 10-2A-191 through 10-2A-195, 10-2A-201, 10-2A-203, 10-2A-232, 10-2A-246, 10-2A-281, 10-2A-301, 10-2A-302, 10-2A-308, 10-2A-337, Alabama business corporation act clarified—
HB 70, page 18
SB 140, pages 1344, 1345, 1383

CODE OF ALABAMA 1975, AMENDED (Continued)

Section 10-2A-111, business corporation act—
HB 368, page 120

Section 10-4-109, health care service plans, rates, charges, fees and dues regulated—
HB 454, page 190

Section 11-41-1, counties population 600,000 or more, municipal incorporation, restrictions deleted—
HB 234, pages 50, 130, 1274, 1275

Section 11-43-3, cities 6,000 or more population, residency requirements of city clerk and treasurer—
HB 89, pages 21, 130, 1129
SB 137, pages 1491, 1492, 1545

Section 11-43-50, city councils, meetings of, requirements—
HB 810, pages 923, 1362

Section 11-45-8, ordinances and codes, listing of—
HB 444, pages 198, 244, 1163

Section 11-46-21, municipal election dates set—
HB 180, pages 39, 130, 1591, 1592

Section 11-47-15, wharves and wharf facilities, city or town allowed to maintain within 25 miles—
HB 83, pages 20, 244
SB 196, pages 822, 823, 984
SB 402, pages 824, 825

Section 11-50-234, boards of directors of water works and sewer boards increased—
HB 174, pages 38, 130, 1129

Section 11-50-411, gas districts, computation and disposition of net income of—
SB 63, pages 966, 967, 1355, 1590, 1694

Section 11-52-3, class 1 municipalities, municipal planning commission, supernumerary members of, appointed—
HB 350, pages 117, 436, 576, 1191, 1221, 1299
SB 198, pages 824, 825, 872, 937, 956, 1032

Section 11-54-20, linen rental services, municipalities permitted to provide projects for—
HB 129, pages 29, 314, 382, 952, 953, 973
SB 50, pages 592, 763

Sections 11-54-23 and 11-54-31, Wallace act, ad valorem exemption under, provided further for—
HB 594, page 349

Section 11-54-31, Wallace act, ad valorem exemptions limited—
HB 711, page 565

Section 11-54-80, linen rental services, municipal industrial development boards permitted to provide projects for—
HB 130, pages 29, 314, 383, 952, 953, 973
SB 49, pages 592, 763

CODE OF ALABAMA 1975, AMENDED (Continued)

Section 11-54-87 and 11-54-96, Cater act, ad valorem exemptions under, provided further for—
HB 595, page 349

Section 11-54-96, Cater act, ad valorem exemptions limited—
HB 709, page 565

Section 11-58-2(a), medical clinic boards, purpose of, broadened, definitions, housing and care of elderly—
HB 73, pages 18, 101, 344, 526
SB 174, pages 593, 594, 607, 1170, 1210

Section 11-58-14, medical clinic boards, property leasehold interest of, subject to ad valorem taxation—
HB 710, page 565

Section 11-60-1, municipal public parks and recreation boards, recreational facilities, handball courts and gymnasiums included in definition of projects—
HB 686, pages 538, 607, 1164, 1682, 1731, 1934

Section 11-88-6, water, sewer and fire protection authorities, boards of directors of—
HB 204, pages 44, 903
SB 386, pages 822, 823, 1359

Sections 11-88-8, 11-88-12 and 11-88-50, water, sewer and fire protection authorities, bonds of, revenues, rates—
HB 730, pages 611, 759
HB 758, pages 654, 760, 1075
SB 472, pages 1350, 1351, 1462

Sections 11-91-1 through 11-91-5 and 11-91-7, municipalities 250,000 or more population, health insurance for officers and employees of—
HB 661, pages 439, 760, 1147, 1150
SB 404, pages 1491, 1543

Section 12-12-31, small claims actions, amount of jurisdiction increased—
HB 782, page 875

Sections 12-13-20 and 11-3-4.1 probate judges and revenue commissioners, minimum compensation—
HB 489, pages 198, 1030
SB 410, pages 1661, 1685

Sections 12-15-1, 12-15-30, 12-15-32, 12-15-33 and 12-15-34, redefining child and adult, providing for juvenile court jurisdiction—
HB 348, page 116

Sections 12-15-1, 12-15-30, 12-15-33 and 12-15-34, juvenile courts, jurisdiction, transfers of cases, delinquent act defined—
HB 295, pages 60, 1382

Section 12-15-6, juvenile court referee, delegation of authority to—
HB 868, pages 1195, 1358, 1572, 1573

Sections 12-16-8 and 12-19-210, prohibiting loss of pay while serving on jury duty, abolishing mileage allowances for jurors—
HB 466, pages 193, 433, 1295, 1297

CODE OF ALABAMA 1975, AMENDED (Continued)

Sections 12-16-34 and 12-16-37, jury commissions, clerks and clerical assistance, appointment and compensation—
HB 468, pages 193, 433, 1160
SB 373, pages 816, 816, 976, 1023, 1156, 1160, 1115, 1445

Section 12-17-61, Calhoun and Cleburne counties shall constitute separate judicial circuits—
HB 558, pages 319, 1353

Section 12-17-61, Coosa and Clay counties shall constitute separate judicial circuits—
HB 559, page 319

Section 12-17-143, clerks and registers supernumerary fund, reversion to general fund, assets for which no corresponding liability exist—
HB 522, pages 286, 397

Sections 12-17-231 and 12-17-233, office of prosecution services employees, eligible for employees retirement system—
HB 342, pages 115, 313, 893, 894

Section 12-18-110, retirement systems, teachers and employees, withdrawn service time from, purchase of and credited to judicial retirement system provided for—
HB 682, pages 480, 1353

Sections 12-19-71 through 12-19-75, 12-19-171 through 12-19-179, judicial training and education fund, fees and costs in circuit and district courts, distribution of, to, enhanced—
HB 261, page 54
HB 340, pages 115, 125, 208, 216, 220, 1899, 1907, 1939, 2078

Sections 12-19-90, 7-9-403, 7-9-404, 7-9-405, 7-9-406, 7-9-407, 9-11-37, 9-11-47, 9-11-55, 9-11-56, 33-5-10, 33-5-17, 40-12-2, 40-12-15 and 40-12-22, fees and charges in probate offices provided for—
HB 490, pages 198, 1030
SB 408, pages 1487, 1489, 1543

Sections 12-19-111, 12-19-112 and 12-19-113, jurors in probate court to be compensated same as jurors in circuit court—
HB 854, page 1095

Section 12-21-8, disposition of exhibits offered in evidence—
HB 465, pages 192, 432
SB 348, pages 1343, 1344, 1382

Section 13A-3-1, insanity defense, defendant has burden of proof, test to determine not guilty by reason of insanity—
HB 269, pages 56, 128, 773

Section 13A-3-27, arrest, use of deadly force in making, altering instances where may be used—
HB 783, page 876

Section 13A-5-11, felony fines increased—
HB 139, page 31

Section 13A-5-12, misdemeanor fines increased—
HB 140, page 31

CODE OF ALABAMA 1975, AMENDED (Continued)

Sections 13A-5-40 and 13A-5-49, labor unrest or violence, criminal offenses relating to, classified—
HB 137, pages 31, 394

Section 13A-6-45, interference with custody, penalty changed to felony—
HB 214, pages 45, 127, 781, 1497, 1516, 1537
SB 517, page 1344

Section 13A-6-69, child enticement, separate crime of, created—
HB 347, pages 116, 1034, 1154, 1156

Section 13A-7-1, burglary and criminal trespass, crimes of, defined—
HB 299, pages 61, 128, 1267, 1895, 1939, 2078
SB 21, pages 1348, 1349, 1549

Section 13A-7-6, burglary of dwelling house, house need not be lawfully occupied—
HB 167, page 37

Section 13A-7-29, criminal littering, offense of—
HB 8, pages 7, 435
HB 202, page 43
HB 786, page 876

Section 13A-9-10, criminal simulation, reproduced goods and textiles calculated to defraud, criminal offense—
HB 771, page 874

Section 13A-9-13.1, worthless negotiable instruments, punishment increased—
HB 164, page 36
SB 308, pages 1490, 1549

Sections 13A-9-41, 13A-9-42 and 13A-9-43, deceptive practices, bait or false advertising, prohibited—
HB 116, pages 26, 982
SB 113, pages 1082, 1083, 1184

Section 13A-10-30, escape of criminals, work release, trustee, furlough, leave or pass—
HB 77, pages 19, 128, 777, 778
HB 256, page 53

Section 13A-11-8, crime of harassment or harassing communications provided for—
HB 883, page 1199

Section 13A-11-72, drug felons prohibited from possessing a pistol—
HB 625, page 403

Section 13A-11-74, unlicensed concealed weapons, district attorneys and assistant district attorneys allowed to carry—
SB 438, pages 1347, 1348, 1382

Section 13A-12-170 and 13A-12-171, pornography, display and distribution of, to minors prohibited—
HB 285, pages 58, 1024
SB 153, pages 1347, 1348, 1549

CODE OF ALABAMA 1975, AMENDED (Continued)

Sections 13A-12-190 through 13A-12-197, child pornography, defined and prohibited—
HB 24, pages 10, 127, 303
HB 284, page 58

Sections 13A-14-2, municipal governing bodies allowed to meet with their attorney in executive session—
HB 82, pages 20, 920

Section 15-8-3, indictments, contents of—
HB 308, pages 109, 128, 780

Sections 15-18-1 and 15-18-82, execution by lethal injection provided for—
HB 433, page 166

Sections 15-18-8 and 15-22-50, sentences 10 years or less, minimum and maximum term of confinement increased—
HB 257, pages 53, 1381
SB 154, pages 1486, 1487, 1549

Sections 15-18-69 and 15-18-71, restitution criteria and procedures—
HB 480, pages 196, 1024, 1146

Section 15-18-72, time within which restitution payments shall be transmitted specified—
HB 315, page 110

Section 15-19-1, youthful offenders, certain crimes not eligible to be tried as—
HB 210, page 45
HB 276, pages 57, 535, 778

Sections 15-19-1 through 15-19-7, youthful offender, person charged with murder not eligible to be tried as—
HB 843, pages 1033, 1383

Section 15-19-7, youthful offender proceedings, victim or family allowed to be present and heard at all stages of—
HB 263, pages 54, 127, 345, 778, 799

Section 15-22-2, parolees and probationers, contributions toward cost of supervision increased—
HB 628, page 403

Sections 15-22-23, 15-22-25, 15-22-27 and 15-22-36, board of pardons and paroles, meetings, information, commutation of death sentence—
HB 387, pages 136, 434, 1534

Section 15-22-23 and 15-22-36, board of pardons and paroles, notification procedures of—
HB 536, pages 289, 426, 776, 1907, 1908, 1940, 2078

Section 15-22-27, death sentence commuted by governor, inmate to serve life without parole—
HB 175, page 38
HB 298, pages 61, 128, 631

CODE OF ALABAMA 1975, AMENDED (Continued)

Section 15-22-36, board of pardons and paroles, no power to pardon or restore rights until all restitution has been made—
HB 249, pages 52, 237, 628

Section 16-1-18, school bus drivers and support personnel, sick leave accumulation increased—
HB 43, page 13
HB 97, pages 23, 1354

Section 16-1-20.2, prayer in public schools—
HB 793, page 877

Section 16-3-1, state board of education, election of—
HB 715, pages 566, 606

Section 16-8-26, teachers, personal leave and sickleave—
SB 299, pages 1085, 1086, 1385, 1592, 1694

Section 16-9-2, county superintendent of education, qualifications—
HB 172, page 38
HB 173, page 38

Section 16-13-1, boards of education fiscal year changed—
HB 334, page 113

Section 16-13-51(b), transportation of students, funds allotted for, method of determining—
HB 415, page 141

Section 16-13-52, additional teacher units provided—
HB 331, page 113
HB 338, page 114

Section 16-13-52, teacher units lost due to decrease in attendance transferred to kindergarten program—
HB 662, page 440
SB 42, pages 821, 822, 1552, 1923, 1924, 1932, 1945

Section 16-16-6, public school and college authority board, chief executive officials of postsecondary education and executive officer of the commission on higher education added as members of—
HB 713, page 565

Section 16-22-3, tuberculosis tests for school personnel to be by rule of state board of health—
HB 497, pages 245, 396

Section 16-24-2, assistant principal and administrative assistant to principal allowed to obtain tenure—
HB 429, page 166
HB 430, page 166

Section 16-24-5, transfer of teachers—
HB 336, page 114

Section 16-25-14, teachers retirement system, death of member, beneficiaries—
HB 166, page 37

CODE OF ALABAMA 1975, AMENDED (Continued)

Sections 16-31-1 and 16-31-4, American legion scholarships, appropriations for matching, increased—
SB 236, pages 815, 815, 1385

Section 16-33-4, educational benefits for dependents of blind parents, family income monetary restrictions deleted—
HB 768, pages 768, 1354, 1614, 1615

Section 16-39-7, teacher unit allocation for gifted children—
SB 185, pages 969, 969, 1687

Section 16-40-5.2, driver education teacher to be paid for higher level of certification—
HB 425, pages 165, 1353

Sections 16-50-20 and 16-50-25, Alabama state university board of trustees, additional member—
HB 649, pages 407, 536, 1006, 1497, 1516, 1537

Section 16-60-86, trade school and junior college authority chief executive officer of postsecondary education and executive officer of the commission of higher education, added to board of—
HB 727, page 610

Section 16-60-88, trade schools and junior colleges, location of, subject to approval of the legislature—
HB 409, pages 140, 242

Sections 16-60-110, 16-60-111.1, 16-60-111.3, 16-60-111.4, 16-60-111.5, 16-60-111.6, 16-60-111.7, 16-60-111.8 and 16-5-13, junior, community and technical colleges, board of trustees for, established—
HB 493, pages 199, 243, 270, 273, 309, 338, 339, 340

Sections 17-1-7 and 36-26-28, state employees, political rights—
HB 402, pages 139, 237, 1130, 1131
SB 250, pages 818, 819, 904, 1130, 1210

Sections 17-4-127, 17-4-130, 17-7-14, 17-7-15, 17-8-25, 17-8-29, 17-8-34, 17-8-35, 17-9-25, 17-9-33, 17-9-34, 17-12-4, 17-12-5, 17-13-3, 17-13-4, 17-15-4, 17-16-19, 17-16-32 and 17-16-36, election administration and costs—
SB 279, pages 1085, 1362

Section 17-4-158, voter registration, deputy registrars—
HB 658, pages 439, 538

Section 17-5-12, county commission allowed to designate place other than courthouse for holding elections—
HB 157, pages 35, 316

Section 17-10-13, absentee election manager, clerk or registers disqualification when opposed in election—
HB 469, pages 194, 435

Section 17-16-6, primary elections, place and time for holding—
HB 357, page 118
HB 573, pages 321, 397
HB 632, pages 404, 981
SB 210, pages 1084, 1085, 1093, 1577, 1578
SB 453, pages 1660, 1661, 1685, 2070, 2072

CODE OF ALABAMA 1975, AMENDED (Continued)

Section 17-18-7, special elections, conduct of, provided further for—
HB 839, page 1032

Section 17-22-10, pre-election disclosure of campaign contributions and expenditures required—
HB 3, page 6

Section 18-3-1, rights-of-way, acquisition of, by private parties—
SB 89, pages 814, 815, 1382

Sections 20-2-2, 20-2-32, 20-2-72, 20-2-80 and 20-2-93, controlled substances, crimes of, punishments set—
HB 265, pages 55, 1184
HB 341, page 115
SB 211, pages 1486, 1487, 1551

Section 20-2-93, seizures in drug trafficking cases, distribution of proceeds from—
HB 161, page 36

Section 22-6-4.2, copayment for prescription drugs—
HB 807, pages 923, 1001, 1025, 1594, 1595

Section 22-18-4, ambulances, semi-annual safety and medical equipment inspections required—
HB 209, page 44

Sections 22-21-20, 22-21-24 and 22-21-27, health, hospitals, definition of, expanded, home health agencies included, advisory board expanded—
HB 320, pages 111, 242, 1286, 1288

Section 22-21-51, county hospital association directors, appointments and terms of—
HB 36, pages 11, 129, 345, 771, 772

Sections 22-23-32, 22-23-43, 22-23-44 and 22-23-49, public water systems, construction and modification of, issuance of permits for—
HB 570, pages 321, 397, 811

Section 22-24-5, well drillers licenses provided for—
SB 496, page 1179

Sections 22-30-12, 22-30-15, 22-30-16 and 22-30-19, hazardous waste management act of 1978—
HB 378, page 134
HB 379, pages 134, 396

Sections 22-50-1 through 22-50-6, 22-50-8 through 22-50-17, 22-50-19, 22-50-20 and 22-50-23, department of mental health redesignated as department of mental health and mental retardation—
HB 440, pages 188, 427
SB 297, pages 1081, 1082, 1384

Section 22-50-22, permitting depositions to be taken of superintendents or physicians of state mental health facilities—
HB 270, page 56
SB 107, pages 1345, 1383

CODE OF ALABAMA 1975, AMENDED (Continued)

Sections 24-1A-4 and 24-1A-9, Alabama housing finance authority, membership increased, period for bond issuance limited—
HB 612, pages 352, 397, 1134
SB 389, pages 815, 815, 1030, 1135, 1210

Sections 24-1-21 and 24-1-22, moderate income, persons of, defined, dwellings of—
SB 183, pages 1081, 1361

Section 25-4-78, unemployment compensation, person failing to tell truth about criminal conviction not eligible for—
HB 217, page 46

Section 25-4-91, unemployment compensation benefits, procedures for determinations upon claims for—
HB 201, page 43

Sections 25-5-1 *et seq*, workmen's compensation law, name changed to workers compensation law—
HB 696, page 540

Section 25-5-50, workmen's compensation, corporate officers may elect to be exempt from—
HB 575, pages 322, 607, 1168, 1522, 1542, 1679

Section 25-10-6, industrial relations department advisory council, chairman, choosing of—
HB 667, page 441

Sections 26-10-4 and 26-10-5, adoption records, viewing of allowed only after court order—
HB 152, pages 34, 603, 1150, 1153

Section 26-10-5, grandparents visitation rights in adoption proceedings—
HB 699, page 563

Section 27-4-4, foreign insurers, taxes paid by, deductions—
HB 840, pages 1032, 1305

Section 27-41-17, insurance company investments, stocks, common and capital, American or foreign corporations—
SB 284, pages 981, 981, 1026

Section 27-41-18, insurance company investments, American insurance stocks—
SB 285, pages 981, 981, 1026

Section 27-41-36, insurance company investments, prohibited investments—
SB 286, pages 981, 981, 1026

Section 28-2-1, wet/dry referendums, time period between changed—
HB 685, page 538

Sections 28-3A-2 and 28-3A-25, legal age for alcoholic beverage purchase or consumption raised—
HB 283, pages 58, 604, 940, 944, 959, 960, 962, 963, 964, 965, 999, 1001, 1002

CODE OF ALABAMA 1975, AMENDED (Continued)

Section 28-3A-11, lounge retail licensees, consent of municipality, required to obtain—
HB 445, pages 189, 244

Section 28-6-1, native farm winery defined—
SB 145, pages 1351, 1383

Section 28-7-16, table wine tax on, levy, collection and distribution of—
HB 395, pages 138, 281, 344, 492, 505, 1239, 1481, 1502, 1503, 1565, 1575, 1680
HB 442, page 188

Section 29-1-4, biennial sessions of legislature provided for—
HB 192, page 41, 100

Section 29-4-49, finance and taxation committee and ways and means committee, employees of—
SB 189, pages 968, 968, 1354, 2069, 2076

Section 29-5-12, fiscal notes to be attached on third reading of bills—
HB 393, pages 137, 162, 229, 774, 776, 779, 826

Section 30-2-51, divorce allowances, certain property excluded from—
HB 814, page 924

Section 31-2-89, indemnification by state to persons, for acts of members of national guard—
HB 58, pages 16, 103
SB 191, pages 1344, 1345, 1383, 1563, 1659

Section 31-2-90, national guard, actions against, defense counsel available at state expense—
HB 59, pages 16, 103
SB 192, pages 1344, 1345, 1383, 1563, 1658

Section 31-6-4, disabled veterans, defined further—
HB 555, page 319
SB 259, pages 1349, 1351

Sections 31-6-4, 31-6-5 and 31-6-6, educational benefits of children wives or widows of deceased or disabled veterans and prisoners of war—
HB 668, page 441

Section 32-5-17, casting of light from motor vehicles onto real property at night, hours that constitute a nuisance—
HB 208, page 44

Section 32-5A-115, red or blue lights restricted to authorized emergency vehicles only—
HB 356, page 118

Section 32-5A-154, school buses, overtaking and passing prohibited—
SB 143, pages 969, 969, 1024

Section 32-5A-191, driving under the influence, penalties increased—
HB 141, page 31

CODE OF ALABAMA 1975, AMENDED (Continued)

Sections 32-5A-191 and 32-5A-194, d.u.i., minimum blood alcohol content for offense of, lowered—
HB 264, pages 55, 650, 1011, 1019, 1050, 1054, 1059, 1500, 1502, 1565, 1722, 1726, 1742, 1743, 1936

Section 32-5-212, trailer trucks, exempt from certain brake requirements—
HB 539, pages 289, 317

Section 32-5-215, tinted windshields prohibited—
HB 630, pages 403, 437, 1138, 1139, 1497, 1516, 1537

Section 32-5-240, lighting equipment on motor vehicles, inclement weather, during, required—
HB 91, page 22
HB 169, pages 37, 245
HB 447, page 189

Section 32-5-313, traffic infraction penalties increased to fund courses in truck driving—
HB 578, pages 323, 902, 1283, 1284, 1746, 1748, 1936

Section 32-6-1, renewal of military personnel drivers licenses—
HB 33, pages 11, 103, 345, 806, 811, 812, 813

Section 32-6-4, nondriver identification cards, no expiration date—
HB 785, pages 876, 1362, 1615, 1616

Sections 32-6-18, 32-6-19, 32-6-51, 32-6-52, 32-6-65, 32-6-131, and 32-6-219, traffic infractions of no license or expired license tags—
HB 471, pages 194, 433

Section 32-6-110, retired national guard, free distinctive license tag provided—
HB 399, page 138

Section 32-6-130, disabled veterans, motor vehicles of, exempt from ad valorem taxes—
SB 364, pages 1349, 1351

Section 32-6-272, fire fighters, distinctive license plates for, costs of—
SB 393, page 1490

Section 32-7-4, drivers operating record fee increased—
HB 252, pages 52, 100, 169, 172, 1746, 1748, 1936

Sections 32-7-5, 32-7-6, 32-7-16 and 32-7-23, motor vehicle safety responsibility act, minimum amount of liability required increased—
HB 901, pages 1204, 1358

Section 32-7-6, motor vehicle safety responsibility act, security required increased—
HB 289, page 59
HB 380, pages 135, 603, 1063, 1067, 1101

Section 32-8-2, uniform certificate of title for motor vehicles, owner defined—
HB 305, pages 108, 434, 1131

CODE OF ALABAMA 1975, AMENDED (Continued)

Sections 32-8-41 and 32-8-38, uniform certificate of title and antitheft act, duplication of forms eliminated—
HB 233, pages 50, 315, 1043, 1141

Sections 32-8-48 and 32-8-87, vehicles, scrapped or destroyed, destruction of license plate required—
HB 743, page 614

Section 32-8-87(e), motor vehicle antitheft law—
HB 744, page 651
HB 915, pages 1207, 1356

Sections 32-9-1, 32-9-20 and 32-9-25, motor vehicle size and weight—
HB 517, pages 250, 317, 345, 413, 420, 1531, 1532, 1542, 1679

Sections 32-13-1 through 32-13-4, abandoned motor vehicles, sale of, regulated further—
HB 651, pages 407, 1362

Section 32-13-3 and 32-13-4, abandoned motor vehicles, notice of sale of—
HB 313, pages 110, 315, 1162, 1163
SB 80, pages 820, 821, 1024, 1163, 1209

Sections 32-15-4 thru 32-15-7, motor vehicles, leased or hired, crimes relating to—
HB 621, pages 391, 433, 1317
SB 131, pages 817, 817, 1024, 1317, 1474

Section 33-1-8, state docks advisory committee, executive director of the greater Mobile port council to be included on—
HB 571, pages 321, 426

Sections 34-8-1 and 34-8-7, swimming pool contractor defined as general contractor—
HB 50, page 14

Section 34-8A-7, professional counselors, qualifications of—
HB 421, pages 164, 242, 1069, 1071, 1523, 1524, 1541, 1679

Section 34-8A-23, board of examiners in counseling, waiver of examinations—
HB 508, page 248

Sections 34-13-1, 34-13-4, 34-13-20, 34-13-22, 34-13-53, 34-13-72, 34-13-92 and 34-13-111, funeral services, board, establishments—
HB 494, pages 199, 316, 1007, 1008, 1898, 1940, 2078

Sections 34-14-3, 34-14-6, 34-14-7 and 34-14-11, hearing aid dealers and fitters, license fees, permits, continuing education requirements—
HB 537, pages 289, 606, 1274

Sections 34-21-1, 34-21-2, 34-21-6, 34-21-22, 34-21-24, 34-21-25, nursing, professional and practical—
HB 72, pages 18, 427, 782, 784, 1668, 1669, 1692, 1934
SB 96, pages 1083, 1085, 1360

CODE OF ALABAMA 1975, AMENDED (Continued)

Section 34-23-116, third party prescription program, exemptions—
HB 681, pages 480, 759, 1311, 1682, 1730, 1934

Section 34-24-70, state board of medical examiners, equivalent examinations, allowed to accept—
HB 716, pages 566, 606
HB 767, pages 767, 1026, 1291

Sections 34-25-3, 34-25-5, 34-25-26 and 34-25-29, polygraph examiners regulated—
HB 275, pages 57, 237, 1175, 1666, 1689, 1933

Sections 34-27-2, 34-27-3, 34-27-4, 34-27-7, 34-27-11 and 34-27-30 through 34-27-38, real estate brokers, salesmen and transactions regulated—
HB 110, pages 25, 240, 1301, 1302
SB 65, pages 591, 592, 763, 1302, 1444

Section 34-29-20, board of veterinary medical examiners, powers of—
HB 474, pages 194, 396

Sections 34-29-20, 34-29-21, 34-29-23 and 34-29-41, board of veterinary medical examiners, executive secretary provided—
HB 626, pages 403, 426, 1278, 1566, 1575, 1680

Section 35-4-29, dating on conveyances and instruments—
HB 427, pages 165, 315

Sections 35-8-7, 35-8-9 and 35-8-10, condominium owners, voting rights of, adjusted—
HB 761, page 654

Section 35-11-210, mechanics and materialmens lien, land surveying and engineering services included under—
HB 540, pages 289, 315

Section 36-1-4.1, charitable organizations, payroll deductions for, defined—
SB 104, pages 821, 822, 1358

Section 36-6-1, state officers and employees paid on an annual basis, time of payment of—
HB 281, pages 57, 101, 787, 788, 1379, 1388, 1536
HB 577, page 322
SB 263, pages 966, 967

Sections 36-7-20 and 36-7-22, persons traveling on state business, per diem and mileage allowance—
HB 302, page 107
SB 69, pages 1179, 1354, 1589, 1694

Section 36-7-40, state employees reimbursed for moving expenses—
HB 232, page 504
SB 83, pages 822, 823, 1355

Section 36-9-17, state or county offices, filling of vacancies in—
HB 156, pages 35, 429

CODE OF ALABAMA 1975, AMENDED (Continued)

Section 36-12-40, libraries, public, school, college and university, confidentiality of circulation and registration records—
SB 322, pages 814, 1026, 1313, 1474

Section 36-13-13, governors councillor, qualifications—
HB 205, page 44

Section 36-15-3, attorney generals salary to be set by legislature—
HB 251, page 52

Section 36-16-8 and 36-16-11, inventory, submission of, to state auditor regulated—
SB 447, pages 1178, 1179, 1358

Section 36-17-15, state treasurer, coupon bonds converted into registered bonds, requirements of—
HB 463, pages 192, 428

Section 36-19-3, state fire marshal, assistants to, provided further for—
HB 529, pages 287, 430, 1285

Section 36-19-24, fire loss reports, monetary requirement on—
HB 418, pages 141, 242

Sections 36-19-41 and 36-19-43, fire losses, fire marshal, law enforcement agencies, and insurance companies to share information regarding—
HB 417, pages 141, 242

Section 36-22-40, sheriffs retirement system, maximum of certain creditable service—
HB 789, page 877

Section 36-25-1, ethics law, legislative employees, definition deleted, statement of economic interest, definition added, public employee and public official redefined—
HB 712, pages 565, 760
HB 739, pages 613, 761

Section 36-25-4, ethics commission, complaints, investigation of, subpoena power granted—
HB 735, pages 613, 760

Section 36-25-9, service on regulatory board regulating business with which member of board is associated—
HB 516, pages 250, 316, 1137

Section 36-25-14, ethics law, additional financial disclosure information required—
HB 737, page 613
HB 740, page 613

Section 36-25-15, ethics law, candidates and nominees for public or appointive offices, financial disclosure required—
HB 738, pages 613, 761

Section 36-25-27, ethics law violation, maximum prison term and fine set—
HB 736, pages 613, 761
SB 414, page 1485

CODE OF ALABAMA 1975, AMENDED (Continued)

Sections 36-26-5 and 36-26-27, state personnel board, composition, dismissal procedures for classified employees—
HB 215, pages 46, 101, 1072, 1074, 1075
SB 93, pages 821, 822, 904, 1074, 1211, 1672, 1673, 1674, 1675, 1739

Section 36-26-10, criminal justice information center, director and deputy to be in unclassified service—
HB 550, page 292

Section 36-26-15, military preference during lay-off of state employees—
HB 99, pages 23, 239

Section 36-26-17, department heads appointed by governor, merit system job appointment of, provided for—
SB 432, pages 1484, 1485, 1543

Section 36-27-1, beer and license division employees of the alcoholic beverage control board defined as a state policeman under employees retirement system—
HB 547, page 291

Section 36-27-11, department head appointed by governor who has been a member of retirement system as employee and has been a county engineer, repayment for withdrawn service—
SB 433, pages 1484, 1485, 1688

Section 36-27-15.2, transfer between teachers and employees retirement systems provided—
HB 311, pages 109, 903

Section 36-27-16, state employees retirement system, early retirement under, provided for—
HB 623, page 392

Section 36-27-43, state employees retirement system reopened for school bus drivers, mechanics and maintenance workers—
HB 852, pages 1035, 1356

Section 36-29-2, state employees insurance board, membership provided for—
HB 191, pages 41, 129, 1276, 1660, 1689, 1933
HB 461, pages 192, 429, 1117
SB 248, pages 1178, 1357

Sections 36-30-1 and 36-30-20, industrial relations law enforcement officers, retention of badges and pistols upon retirement—
HB 724, pages 610, 760, 1318, 1330

Section 36-30-2, peace officers or firemen killed in line of duty, compensation paid to dependents raised—
HB 476, pages 195, 1352

Sections 36-33-1(4) and 36-33-2(b)(c), executive security officers—
SB 228, pages 1179, 1361

Section 37-1-88, public service commission hearings, persons right to be heard at—
SB 444, pages 1081, 1082, 1358

CODE OF ALABAMA 1975, AMENDED (Continued)

Section 37-3-32, motor carrier vehicles, registration fees increased—
HB 54, pages 15, 126, 344, 550, 552
SB 208, pages 971, 972, 1356

Section 38-4-1, cystic fibrosis patients included as persons to whom public assistance is payable—
HB 436, page 187

Section 39-1-1, contractors of contracts less then $10,000.00 exempt from advertising requirements—
HB 148, pages 33, 244, 345, 801, 804, 1672, 1908, 1911, 1938, 2078

Section 40-1-34, overpayment of taxes, filing period for refund increased—
HB 645, page 406

Section 40-2-22, appeals from final assessement of taxes subject to administrative procedure act—
HB 483, page 197

Section 40-3-8, Jefferson county board of equalization and adjustments, compensation of—
HB 795, page 878

Sections 40-6-1, 40-6-3 and 40-6-4, supernumerary officials, minimum qualifications reduced, contributions increased—
HB 354, pages 118, 314
SB 188, pages 817, 818, 1384, 1574, 1578, 1694

Section 40-7-21, homestead exemption applications, time for accepting—
SB 450, pages 1083, 1085, 1355

Section 40-8-1, ad valorem taxes, assessment rates—
HB 41, page 13

Section 40-9-12, Martin-Carver school association, ad valorem taxation, exempt—
HB 503, page 246

Section 40-9-12, optimist club of Huntsville, taxation, exempt—
HB 486, page 197

Section 40-9-13, shrine amusements and fund raising events exempt from taxation—
HB 200, page 43

Sections 40-9-19 and 40-9-21, ad valorem taxation, persons over sixty-five, exemptions—
HB 34, page 11

Sections 40-9-19 and 40-9-21, homestead exemptions for persons 65 or older—
HB 373, pages 133, 603, 1086, 1089

Section 40-10-71, lands sold for taxes, when lands not liable for, recovery of costs, charges and expenses—
HB 188, page 41

Section 40-12-49, license taxes for lawyer in practice less than 2 years—
HB 81, pages 20, 315

CODE OF ALABAMA 1975, AMENDED (Continued)

Section 40-12-176, coin operated laundry machines excluded from vending machine tax—
HB 708, pages 565, 761, 896

Section 40-12-223, privilege tax on business of renting or leasing property, exemptions provided for—
HB 93, page 22

Section 40-12-262, trip permits, cab cards, temporary trip permits—
HB 376, pages 134, 236, 345, 805

Sections 40-14-4, 40-14-21, 40-14-41, 40-14-43, 40-14-44, 40-14-47, 40-14-48 and 40-14-50, domestic and foreign corporations provided equal treatment—
HB 569, page 321

Sections 40-14-40 and 40-14-43, domestic corporations, franchise tax levy on, increased, distribution formula—
HB 420, pages 142, 281, 344, 372, 377, 378, 381, 420, 421, 460, 465, 1891, 1893, 1895, 1928, 1929, 1933, 1940, 2078

Section 40-14-41, minimum franchise tax raised—
HB 565, page 320

Sections 40-15-4, 40-15-7, 40-15-10, 40-15-11 and 40-15-16, estate and inheritance tax due dates and interest rates—
HB 243, pages 51, 100, 174, 1911, 1916, 1939, 2078

Sections 40-17-13 and 40-17-222, motor fuel, excise tax on, distribution of—
HB 14, page 7

Section 40-17-31, gasoline tax, distribution of proceeds for marine purposes—
HB 666, page 440

Sections 40-17-130, 40-17-131 and 40-17-132, alcohol blended fuel defined—
HB 867, page 1195
SB 532, pages 1349, 1351, 1384, 1731, 1732

Section 40-17-143, interstate motor carriers, bonding requirements—
HB 375, pages 134, 236, 345, 805

Section 40-18-19, municipal retirement allowances exempt from income taxation—
HB 147, page 33
HB 407, page 140

Section 40-18-19, taxpayers 65 or older, personal exemption increased—
HB 124, page 28

Section 40-18-27, taxpayers age 65 or older, net income exclusion raised—
HB 122, page 27

Section 40-18-29, fiduciaries making tax returns for taxpayers age 65 or older, annual exclusion increased—
HB 125, page 28

CODE OF ALABAMA 1975, AMENDED (Continued)

Sections 40-18-42, 40-18-80, 40-18-82 and 40-18-83, corporate income tax, installment payments of, eliminated estimated payment of, required—
HB 244, pages 51, 100, 230, 233, 259, 268, 1889, 1890, 1891, 1939, 2078

Section 40-20-2, oil and gas severance taxes—
HB 35, page 11
HB 69, pages 17, 1351
HB 189, page 41
HB 190, pages 41, 1335
HB 663, page 440

Sections 40-21-53 and 40-21-55, municipal corporations to pay 2.2% utility tax—

HB 250, pages 52, 100, 132

Sections 40-21-83 and 40-21-103, public housing authorities exempt from state, utility gross receipts tax and service use tax—
HB 604, page 351

Section 40-21-85, utility gross receipts tax, payers of large, to pay on estimate basis—
HB 287, pages 59, 101, 218, 1746, 1749, 1918, 1919, 1938, 2078

Sections 40-22-1 and 40-22-2, recordation tax in probate offices provided for—
HB 491, pages 198, 1030, 1564, 1566, 1571, 1616
SB 409, pages 1488, 1489, 1551

Section 40-23-1, sales tax law, definitions clarified—
HB 534, pages 288, 762, 1119, 1124, 1743, 1744, 1936
HB 538, page 289

Section 40-23-4, rabbits, sale of, exempt from gross sales tax—
HB 22, page 9

Sections 40-23-4 and 40-23-62, diesel fuel used for off-highway agricultural purposes, sales and use tax, exempt—
HB 21, pages 9, 1031, 1116, 1465, 1472, 1537
HB 538, page 289

Section 40-23-4.1, drugs sold to private hospitals exempt from gross sales tax—
HB 168, page 37

Section 40-23-5, Enterprise rescue squad, sales and use taxes exempt—
HB 158, page 35

Section 40-23-50, contractor gross receipts tax exemption deleted—
HB 260, pages 54, 101, 180, 1746, 1748, 1936

Section 40-23-60, sales tax law, definitions clarified—
HB 535, pages 289, 762, 1125, 1128, 1744, 1744, 1936
HB 538, page 289

CODE OF ALABAMA 1975, AMENDED (Continued)

Section 40-25-23, cigarettes, taxes levied on, portion of appropriated to retire industrial development authority bonds—
HB 903, pages 1204, 1354
SB 556, pages 1488, 1489, 1552

Section 41-1-6, nonconsumable property, report of, frequency of reduced—
HB 561, pages 320, 397, 894
HB 562, pages 320, 397, 895
SB 446, pages 1178, 1179, 1358

Sections 41-4-5 and 41-4-81, state budget officer to serve at pleasure of state finance director—
HB 198, pages 42, 102, 303, 1160, 1161, 1167, 1180

Section 41-4-34, state rented office space, rent ceiling prescribed—
HB 64, page 17

Sections 41-4-134, 41-4-136 and 41-4-139, printing of legislative acts and journals—
HB 495, pages 245, 316, 801
SB 306, pages 822, 822, 904, 1010, 1023

Section 41-4-150, house and senate journals to be distributed to county law libraries—
HB 369, pages 132, 316

Sections 41-7-1 and 41-7-5, bureau of publicity and information name changed to bureau of tourism and travel—
HB 614, pages 390, 760, 1176, 1242
SB 362, pages 1348, 1349, 1543

Section 41-9-74, department of public safety, director, assistant director and officers, agents and employees of, included—
HB 751, pages 652, 1353

Sections 41-9-201, 41-9-202 and 41-9-203, Alabama economic development board created—
SB 505, pages 1351, 1545

Sections 41-9-340, 41-9-343, 41-9-347 and 41-9-355, USS Alabama battleship commission, membership, contract limits extended, debts forgiven—
HB 787, pages 876, 1354

Sections 41-9-430, 41-9-432 and 41-9-435, Alabama space science exhibit commission, lodging and parking facilities, bond for, issuance of—
HB 671, pages 441, 536, 895
SB 434, pages 821, 822, 1027, 1316, 1455, 1474

Section 41-16-20, competitive bidding on public contracts, resident preference—
HB 47, page 14

Section 41-16-24, competitive bids, solicitation procedure—
HB 288, pages 59, 240, 791, 2072, 2074, 2079

CODE OF ALABAMA 1975, AMENDED (Continued)

Sections 41-16-27 and 41-16-50, residential bidder preference on competitive bids—
HB 377, pages 134, 244

Sections 41-16-50 and 41-16-51, utilities, expenditure of funds for supplies and materials—
HB 219, pages 46, 239
SB 106, pages 1082, 1083, 1358

Section 41-16-51, sanitation services contracts exempt from competitive bid law—
SB 68, pages 593, 594, 763, 1302, 1303, 1315, 1444

Sections 41-16-51 and 41-16-57, utility systems, supplies or materials, competitive bids, exemptions—
SB 443, pages 1347, 1348, 1545

Section 41-16-55, competitive bidding, bid rigging and refraining from bidding—
HB 278, pages 57, 127, 1153

Section 41-17-1, standards of state owned motor vehicles, revenue department exempt from—
HB 498, pages 246, 316, 344, 550, 799

Section 41-19-8, alternative provided for failure of legislature to adopt appropriations and financial plans—
HB 428, page 166

Section 41-19-10, state agencies and departments, budget management by—
SB 305, pages 1178, 1358

Section 41-22-3, administrative procedure act, contested case redefined—
HB 627, pages 403, 604

Sections 41-22-3, 41-22-12 through 41-22-21, 41-22-6, 41-22-8, 41-22-11, 41-22-12, 41-22-13, 41-22-16, 41-22-20, 41-22-21, 41-22-25, and 41-22-27, administrative procedure act—
HB 764, pages 766, 982

Sections 41-22-25 and 41-22-27, administrative procedure act, effective and publication dates clarified—
HB 325, pages 112, 604
HB 833, pages 993, 1026

Section 43-2-42, intestates estates, order of preference in the right to administer—
HB 894, pages 1202, 1357
HB 540, pages 1487, 1489, 1550

Sections 43-2-230, 43-2-231, 43-2-312, 43-2-313, 43-2-315, 43-2-316, 43-2-336, 43-2-412, 43-2-441, 43-2-442, 43-2-450, 43-2-510, 43-5-40 and 43-8-132, probate laws amended—
HB 799, page 921

CODE OF ALABAMA 1975, AMENDED (Continued)

Sections 44-1-38, youth services, department of, destruction of records permitted—
HB 584, pages 348, 476
SB 303, pages 970, 971, 1027

CODE OF ALABAMA 1975, REPEALED

Sections 6-6-1 and 6-6-16, arbitration and awards—
SB 258, pages 1491, 1492

Section 6-6-462, garnishee whose answer is uncontroverted, payment of costs to—
HB 470, pages 194, 433

Sections 6-6-490 through 6-6-493, garnishments to support child support—
HB 307, pages 108, 435, 1132

Sections 9-12-86, 9-12-88, 9-12-89, 9-12-90, 9-12-91 and 9-12-114, dealer/processor license created—
HB 62, pages 17, 243

Sections 10-9-1 through 10-9-5, 10-9-20 through 10-9-28, 10-9-40 through 10-9-52, 10-9-70, 10-9-80, 10-9-90, 10-9-110 through 10-9-129 and 10-9-140 through 10-9-147, limited partnerships provided for—
HB 196, pages 42, 237, 1307, 1308
SB 127, pages 593, 594, 762, 1307, 1444

Section 11-46-3, primary elections for governing bodies of cities 300,000 or less population—
HB 650, page 407

Sections 12-17-99 and 17-2-8, deputy circuit clerks, supplemental salary, election of—
HB 473, pages 194, 432

Sections 13A-3-1, 15-16-1, and 15-16-24, insanity not a defense in criminal charges—
HB 76, page 19

Sections 15-5-8 and 15-5-12, night time search warrants, conditions for the issuance of prescribed—
HB 253, pages 53, 129

Section 15-11-13, married women and minors to procure sureties upon appearing as witnesses for prosecution—
HB 138, pages 31, 315

Sections 15-19-1 thru 15-19-7, youthful offenders—
HB 458, pages 191, 536, 1590

Sections 16-10-1 through 16-10-4 and 16-10-7 through 16-10-10, abolishing the office of school trustees—
HB 344, pages 116, 242, 1143, 1144

Sections 22-21-290 through 22-21-297, indigent patients, cost of medical treatment of, responsibility for—
HB 643, pages 406, 426

CODE OF ALABAMA 1975, REPEALED (Continued)

Sections 24-4A-1 through 24-4A-7, factory built housing, certification and regulation of—
HB 317, pages 111, 243, 1273

Sections 26-12-1 through 26-12-9, paternity, determination of—
HB 339, pages 114, 431, 1317, 1320, 1329
SB 455, pages 1350, 1351, 1550

Sections 35-6-100 through 35-6-104, partition proceedings, purchasing of interest by joint owners or tenants in common in—
HB 824, page 991

Section 35-9-83, eviction actions, change of venue of—
HB 464, pages 192, 433

Sections 37-4-100 thru 37-4-117, Alabama radio utility act—
HB 759, page 654, 1026

Sections 40-8-2 and 40-8-3, ad valorem taxation, levy and collection of—
HB 6, page 6

Sections 40-14-1, 40-14-2 and 40-14-3, corporation entrance fee repealed—
HB 567, page 321

Sections 40-14-70 through 40-14-74, taxation of corporate shares of stock—
HB 568, page 321

Sections 40-17-220 through 40-17-225, 4 cents per gallon gasoline tax—
HB 825, page 991

Sections 41-20-1 through 41-20-16, sunset law repealed—
HB 71, page 18
HB 194, pages 42, 102

Sections 40-21-53, 40-21-54 and 40-21-55, public utility license tax—
HB 563, page 320

Sections 41-9-700 through 41-9-707, Indian affairs—
HB 813, pages 924, 1026, 1162, 1246, 1247

Title 17, chapter 22, relating to elections—
HB 371, page 133, 430

CODED DATE LABELING

Products to also display calendar date—
HB 90, page 22

CODES AND ORDINANCES

Listing of—
HB 444, page 189, 244, 1163

COFFEE COUNTY

Board of education, expense allowances—
HB 748, pages 651, 764, 890, 1459, 1468, 1537

COGENERATION

Regulation of—
HB 675, pages 478, 537, 944, 953, 955, 955, 957, 1519, 1521, 1535, 1542, 1679

COIN OPERATED LAUNDRY MACHINES

Vending machine tax, excluded from—
HB 708, pages 565, 761, 896

COLBERT COUNTY

Beer taxes distributed—
HB 53, pages 15, 164, 206, 1529, 1541, 1679

Conventions and visitors, attraction of, public corporation for—
HB 527, pages 287, 400, 455, 1456, 1462, 1536

Lodging tax levied—
HB 528, pages 287, 400, 556, 1456, 1463, 1536

COLLEGES AND UNIVERSITIES

Alabama state university board of trustees, additional member—
HB 649, pages 407, 536, 1006, 1497, 1516, 1537

Appropriations from oil and gas lease monies—
SB 95, pages 815, 816, 1356

Junior college classes, persons sixty-five and older allowed to attend tuition free—
HB 319, page 111

Junior community and technical board of trustees for, established—
HB 493, pages 199, 243, 270, 273, 309, 338, 339, 340

Merger of, provided for—
HB 396, pages 138, 239, 1058, 1059

University of South Alabama, land patent erroneously given to, negated—
HB 247, pages 52, 236, 449, 944, 956, 958, 959

COLONIAL, NEAL

Jefferson Davis state junior college, center named—
SJR 77, pages 485, 524

COLUMBIANA

City of, boundaries altered—
HB 874, pages 1197, 1363, 1427, 1706, 1736, 1935

COMMERCIAL FISHING

Licenses, nets and seines, prices increased—
HB 411, page 140

COMMITTEE FOR THE HUMANITIES

Sales and use taxes, exempt—
HB 176, page 38

COMMUNITY HOSPITAL OF BIRMINGHAM

Accreditation, congratulated—
SJR 222, pages 1078, 1211

COMMUNITY HOSPITAL OF TALLASSEE

Commended—
HJR 341, pages 979, 1668, 1690, 1933

COMMUNITY WORK EXPERIENCE PROGRAM

Pensions and security, to establish—
HB 162, page 36

COMPARATIVE NEGLIGENCE

Adopted, with rule of no set-off of damages—
HB 197, pages 42, 345
SB 139, pages 969, 970, 1025

COMPETITIVE BID LAW

Sanitation services exempt from—
SB 68, pages 593, 594, 763, 1302, 1303, 1315, 1444

COMPETITIVE BIDS

Bid rigging and refraining from bidding, penalties—
HB 278, pages 57, 127, 1153

Residential bidder preference—
HB 47, page 14
HB 377, pages 134, 244

Solicitation procedure—
HB 288, pages 59, 240, 791, 2072, 2074, 2079

COMPLIANCE OFFICERS

Agriculture and industries, department of, designated—
HB 754, page 653

COMPTON, TOMMY

Commended—
HB 507, page 2042

CONDOMINIUM OWNERS

Voting rights of, adjusted—
HB 761, page 654

CONECUH COUNTY

Motor vehicle license taxes, ad valorem taxes and registration fees—
HB 514, pages 249, 282, 337, 897, 898, 901, 973

CONGRESS

Alabama delegation to support the railroad retirement solvency act of 1983—
SJR 38, pages 265, 299, 329

Petitioned to restore work incentive program—
SJR 1, pages 487, 488, 597, 644

CONSERVATION

Black Warrior wildlife management area, expansion of—
HB 533, page 288
HB 690, pages 539, 905, 1270, 1272

Cabaha river protected and preserved, scenic corridor established—
HB 160, page 35

Fishing license, non-resident annual and trip, fee set—
SB 276, pages 1342, 1544

Fishing vessel permit created for salt and brackish waters—
HB 644, pages 406, 1027

Game and fish wardens retaining commissions upon retirement—
HB 42, pages 13, 243

Hunter education course, requirements—
HB 143, pages 32, 398, 1164

Marine resources licenses, expiration dates set—
HB 61, pages 16, 243

Oyster collection, commercial versus non-commercial—
HB 68, page 17, 243, 345, 804, 805

Seafoods advisory board established—
HB 66, pages 17, 1027

Seafood law violations, maximum fine increased—
HB 67, pages 17, 1361

Totally disabled persons provided hunting and fishing licenses—
HB 144, pages 32, 398, 1164
HB 303, pages 107, 243

CONSTABLES

Judicial retirement fund, eligible for—
HB 273, page 56

License plates, distinctive provided for—
HB 113, pages 26, 130

CONSTITUTION

New, proposed—
HB 159, page 35
SB 58, pages 589, 1187, 1446, 1458, 1462, 1464, 1465, 1472, 1475, 1482, 1616, 1657, 1679, 1742, 1745, 1942

CONSTITUTION OF ALABAMA 1901, AMENDED

Ad valorem taxation, states power to levy, rescinded—
HB 12, page 7

Alabama state docks to convey property to Florence-Lauderdale county port authority—
HB 441, pages 188, 240, 344, 795, 797, 797, 1061, 1097, 1180
SB 291, pages 592, 594, 1359

CONSTITUTION OF ALABAMA 1901, AMENDED (Continued)

Amendment 269, Libraries, special property tax by cities and counties—
SB 323, pages 1487, 1489, 1545

Amendment CXCV, section H., Mobile county public hospital board, appropriations—
HB 46, page 14

Apportionment commission created—
HB 401, page 139

Apportionment commission created to apportion the legislature—
HB 282, page 58

Biennial and special sessions of legislature, length of regulated—
HB 193, pages 41, 100

Conecuh county, motor vehicles, license taxes, ad valorem taxes and registration fees—
HB 514, pages 249, 282, 337, 897, 898, 901, 973

Dog track operations, 10% gross receipts tax levied on, for support of public kindergartens—
HB 352, page 118

Elected official, recall of—
HB 5, page 6

Initiative referendum provided for—
HB 634, page 404

Jackson county, fire districts authorized—
HB 223, pages 47, 106, 203, 1708, 1737, 1935

Jefferson county indigent mecical care authority created—
HB 809, page 923

Jefferson county, sewer improvement districts created—
HB 792, pages 877, 904

Legislative budget sessions even numbered years limited to—
HB 207, pages 44, 315

Legislature to appropriate all public funds—
HB 541, page 290

Lotteries, relating to—
HB 2, page 6

Macon county, bond issuance for Daniel "Chappie" James Aerospace Memorial authorized—
HB 845, pages 1033, 1094, 1417, 1708, 1737, 1935

Marengo county, property tax, additional levied—
HB 906, pages 1205, 1365, 1435, 1707, 1738, 1935

Marshall county, forest lands, assessments for protection of—
HB 862, pages 1194, 1363, 1425, 1706, 1738, 1935

CONSTITUTION OF ALABAMA 1901, AMENDED (Continued)

Mobile county, bingo authorized—
SB 378, pages 1346, 1547, 1721, 1741

Mobile county commission authorized to provide a health insurance program for retired county employees—
HB 637, pages 405, 436, 485, 1191, 1222, 1299

New constitution provided—
HB 159, page 35
SB 58, pages 589, 1187, 1446, 1458, 1462, 1464, 1465, 1472, 1475, 1482, 1616, 1657, 1679, 1742, 1745, 1942

Randolph county, sales and use tax levied—
HB 726, pages 610, 650, 887, 889, 1336, 1340, 1374, 1379

Referendum, powers of—
HB 631, page 404

Section 217, article XI, ad valorem taxes—
HB 40, page 12

Section 229, franchise tax based on actual amount of capital employed—
HB 566, page 320

State docks to transfer facilities to Decatur-Morgan county port authority—
HB 598, page 350

State superintendent of education, elected—
HB 863, page 1194

Taxing authorities which have reduced ad valorem tax rate allowed to increase same by like amount—
HB 150, page 34

CONSTITUTIONAL REVISION

Joint interim committee created—
SJR 5, pages 265, 326

CONSUMER FRAUD

Criminal simulation, reproduced goods and textiles, criminal offense—
HB 771, page 874

CONTRACTORS

Contracts less then $10,000 exempt from advertising requirements—
HB 148, pages 33, 244, 345, 801, 804, 1672, 1908, 1911, 1938, 2078

General, licensing board for, continued—
HB 364, pages 119, 238, 385, 582, 587, 595

Gross receipts tax exemption when joint party with county or municipality, deleted—
HB 260, pages 54, 101, 180, 1746, 1748, 1936

Legal actions against, time period for bringing—
HB 819, pages 990, 1384
HB 822, pages 991, 1356

CONTRACTORS (Continued)

Swimming pool defined as general—
HB 50, page 14

CONTRACTS

Entered into by state, required to be executed in timely manner—
HB 262, pages 54, 426

State of Alabama, entered into by, to be executed in a timely manner—
HB 606, pages 351, 400
HB 642, page 406

CONTRIBUTORY NEGLIGENCE

Recovery of damages, shall not bar, established—
HB 197, pages 42, 345
SB 139, pages 969, 970, 1025

CONTROLLED SUBSTANCES

Amphetamines, dispensing of, regulated—
HB 624, pages 402, 603
SB 298, pages 1177, 1178, 1360

Crimes relating to, punishment set—
HB 265, pages 55, 1184
HB 341, page 115
SB 211, pages 1486, 1487, 1551

Public school employees communications concerning, liability exemption—
HB 27, pages 10, 604, 1289

CONVENIENCE STORE ROBBERY

Separate crime of, established—
HB 343, pages 115, 1184

CONVEYANCES AND INSTRUMENTS

Dating on—
HB 427, pages 165, 315

COOSA COUNTY

Deeds for real estate, ad valorem tax information, required to contain—
HB 866, pages 1195, 1363, 1426

Judicial circuit, to constitute a separate—
HB 559, page 319

COOSA RIVER NAVIGATION PROJECT

Interim committee to assess, created—
HJR 425, pages 1412, 1696

COPELAND, ALBERT WHITING

Death of, mourned—
HJR 16, page 71, 185, 215, 234

CORPORATE INCOME TAX

Installment payments eliminated, estimated payments required—
HB 244, pages 51, 100, 230, 233, 259, 268, 1889, 1890, 1891, 1939, 2078

CORPORATE OFFICERS

Workmens compensation, may elect to be exempt from—
HB 575, pages 322, 607, 1168, 1522, 1542, 1679

CORPORATE SHARE OF STOCK

Taxation of—
HB 568, page 321

CORPORATION ENTRANCE FEE

Repealed—
HB 567, page 321

CORPORATIONS

Domestic and foreign, provided equal treatment—
HB 569, page 321

Domestic, franchise tax levy on, increased, distribution formula—
HB 420, pages 142, 281, 344, 372, 377, 378, 381, 420, 421, 460, 465, 1891, 1893, 1895, 1928, 1929, 1933, 1940, 2078

Foreign, non-qualifying, registered agent for service of process by, appointment of—
SB 201, pages 816, 817, 1023

Revised Alabama professional corporation act, regulations—
HB 151, pages 34, 237, 1304, 1305
SB 119, pages 823, 983, 1304, 1444

CORRECTIONS

Department of, appropriation provided—

HB 600, page 350

COUNCIL-MANAGER ACT OF 1982

Class 6 municipalities, form of government—
HB 850, pages 1035, 1183, 1385, 1585
SB 533, pages 1235, 1236, 1386, 1586, 1695

COUNSELING

Board of examiners in, waiver of examination provided for—
HB 508, page 248

COUNSELORS

Professionals, qualifications of—
HB 421, pages 164, 242, 1069, 1071, 1523, 1524, 1541, 1679

COUNTIES

Autauga, sheriff, additional expense allowance—
SB 194, pages 296, 297

COUNTIES (Continued)

Baldwin and Mobile, boundaries defined—
HB 638, pages 405, 537, 1137, 1456, 1463, 1536

Baldwin, board of health, fee schedule fixed—
HB 135, pages 30, 104, 153, 1461, 1471, 1537

Baldwin, forest protection levy assessed—
HB 132, pages 30, 104, 153, 1460, 1471, 1537

Baldwin, motor vehicle license tax and registration fee, levied—
HB 886, pages, 1200, 1553

Baldwin, probate judges office, special recording fee for documents filed in, for electronic data processing equipment—
HB 131, pages 30, 104, 153, 1460, 1471, 1537

Baldwin, sales tax, additional, levied—
HB 609, pages 352, 477, 543, 1456, 1463, 1536

Baldwin, sewage treatment facilities, regulated—
HB 835, pages 993, 1553

Baldwin, wreckers, rotation system, regulations—
HB 482, pages 196, 282, 336, 1709, 1733, 1935

Barbour, board of education abolished, new board established—
SB 558, pages 1663, 1665

Barbour, sheriffs office clerk compensated—
HB 905, pages 1205, 1365, 1434

Bibb, board of education, expense allowances—
HB 827, pages 991, 1029, 1108, 1707, 1735, 1935

Bibb, pistol permit fees, increased—
HB 828, pages 991, 1029, 1109, 1707, 1735, 1935

Bibb, tobacco products, taxes levied on—
HB 829, pages 992, 1029, 1109, 1916, 1917, 1941, 2078

Blount, school property insured—
HB 423, pages 165, 245, 302, 335

Bullock, forestlands, assessments, levied and collected—
HB 733, pages 612, 1028, 1103, 1458, 1468, 1537

Calhoun, deputy sheriffs compensation—
HB 797, pages 878, 985, 1048, 1684, 1731, 1934

Calhoun, fees for issuing motor vehicle license tags by mail—
HB 410, pages 140, 183, 277, 1683, 1729, 1934

Calhoun, health officers authorized to issue death certificates—
SB 345, pages 421, 422, 431, 483, 524

Calhoun, motor vehicle license tags issued by mail, fees—
SB 440, pages 590, 591, 985, 1047, 1053

Calhoun, sales tax, levied—
HB 849, pages 1034, 1185, 1418, 1705, 1735, 1935
SB 537, pages 1492, 1493, 1546, 1711, 1740

COUNTIES (Continued)

Chambers, board of education appropriated varying sums to cover cost of utilities, janitorial service, postage and supplies—
HB 756, page 653

Chambers, branch banks authorized—
HB 96, page 23
SB 73, pages 488, 489

Chambers, soil percolation tests, county health department to perform—
HB 619, pages 391, 608, 665, 669, 1683, 1730, 1934

Cleburne, conveyances of real property, grantors and grantees addresses to appear on—
HB 900, pages 1203, 1365, 1433

Cleburne, county revenue commissioner, office of, created—
HB 896, pages 1202, 1364, 1432

Cleburne, motor vehicle license tags, purchase of, by mail, provided for—
HB 898, pages 1203, 1364, 1432

Cleburne, pistol permit fees, fixed—
HB 897, pages 1203, 1364, 1432

Cleburne, selling and redeeming lands for taxes—
HB 899, pages 1203, 1365, 1433

Chilton, coroner, expense allowance, additional—
HB 869, pages 1195, 1363, 1426

Chilton, litter laws for—
HB 513, pages 249, 282, 336, 1709, 1733, 1935

Choctaw, beer tax distributed—
HB 831, pages 992, 1029, 1110, 1684, 1731, 1935

Choctaw, forest protection, assessments for—
HB 451, pages 190, 281, 364, 1461, 1471, 1537

Choctaw, sheriff, confiscated property, allowed to sell at public auction—
HB 111, pages 25, 104, 151, 1681, 1727, 1934

Clarke, branch banks authorized—
HB 692, pages 539, 556, 618, 1707, 1734, 1935

Clarke, county commissoners to serve full time—
HB 707, pages 565, 650, 887, 1710, 1734, 1935

Clay, forest fire protection, assessments for, levied—
HB 902, pages 1204, 1365, 1434

Coffee, board of education, expense allowances—
HB 748, pages 651, 764, 890, 1459, 1468, 1537

Colbert, beer taxes, distributed—
HB 53, pages 15, 164, 206, 1529, 1541, 1679

Colbert, conventions and visitors, attraction of, public corporation for—
HB 527, pages 287, 400, 455, 1456, 1462, 1536

COUNTIES (Continued)

Colbert, lodging tax, levied—
HB 528, pages 287, 400, 556, 1456, 1463, 1536

Conecuh, motor vehicle license taxes, ad valorem taxes and registration fees—
HB 514, pages 249, 282, 337, 897, 898, 901, 973

Coosa, real estate deeds required to contain ad valorem tax information—
HB 866, pages 1195, 1363, 1426

Covington, county commissioners districts, redivision of—
HB 887, pages 1200, 1364, 1430

Covington, road and bridge money, distributed—
HB 888, pages 1200, 1364, 1430, 1548

Cullman, branch banks authorized—
SB 380, pages 421, 422, 431, 483, 524

Cullman, lodging tax, increased—
SB 559, pages 1663, 1665, 1685, 2065, 2076

Dale, beer tax, distributed—
SB 520, pages 1234, 1235, 1546

DeKalb, juvenile probation fund, established—
SB 530, pages 1235, 1236, 1546, 1740

Elmore, coroner, expense and mileage allowance—
HB 677, pages 479, 871, 934, 1710, 1734, 1935

Elmore, county jail inmates allowed to be used for work on roads and projects—
HB 719, pages 566, 871, 934

Escambia, jury commission, relating to—
SB 320, pages 553, 554, 608, 667, 790

Escambia, lands sold for taxes, duties transferred—
HB 112, pages 25, 104, 151, 1319, 1335, 1379

Escambia, supernumerary circuit clerks, compensation and expense allowances—
SB 548, pages 1492, 1493, 1546, 1712, 1740

Escambia, tax assessor and tax collector, compensation and expense reimbursement—
SB 292, pages 554, 764, 892, 898, 905

Etowah, bingo, referendum held on—
SB 459, pages 820, 820

Etowah, constable of district court granted an expense allowance—
SB 501, pages 1235, 1236, 1686, 2067, 2076

Etowah, county commission to establish a contingency fund—
SB 457, pages 819, 820

Etowah, insurance premiums for certain laid off employees, required to pay—
HB 597, pages 350, 920, 995

COUNTIES (Continued)

Etowah, signature stamps for county officials, authorized—
SB 105, pages 392

Etowah, superintendent of education, election or appointment of, referendum held on—
SB 503, pages 1346, 1710

Fayette and Lamar, legislative delegation office, established—
HB 753, pages 652, 764, 891, 1710, 1734, 1935

Fayette, county commission to be full time, expense allowance—
HB 304, pages 108, 131, 206, 828, 829, 899

Fayette, deputy sheriffs, discipline and dismissal of—
HB 919, pages 1377, 1384, 1561

Fayette, superintendent of education, travel and subsistence allowances—
HB 841, pages 1032, 1094, 1240, 1707, 1735, 1935

Fayette, trade in of old equipment by county commission excluded from competitive bids—
HB 745, page 651

Fire protection districts, allowed to establish, fees set—
HB 431, pages 166, 317

Greene, racing commission and parimutuel wagering, provided for—
HB 225, pages 48, 105, 154, 453, 461, 474

Greene, racing commission, governor to appoint—
HB 830, pages 992, 1031, 1111, 1114, 1319, 1336, 1379

Hale, county revenue commissioner, office of, created—
HB 803, pages 922, 1094, 1241, 1710, 1734, 1935

Hale, timber lands, assessments for protection of—
HB 885, pages 1199, 1364, 1430, 1706, 1736, 1936

Henry, county revenue commissioner, office of, created—
HB 773, pages 874, 985, 1046, 1459, 1469, 1537

Henry, pistol permit fee, fixed—
HB 772, pages 874, 985, 1046, 1459, 1469, 1537

Henry, selling and redeeming lands for taxes—
HB 335, pages 113, 281, 335, 1461, 1471, 1537

Henry, tax assessor and tax collector, clerks appointed for—
HB 346, pages 116, 281, 336, 1461, 1471, 1537

Houston, board of education, expense allowances—
HB 890, pages 1201, 1364, 1441, 1706, 1737, 1936

Jackson, coal severance tax, distributed—
HB 221, pages 47, 317, 367, 1683, 1728, 1934

Jackson, county commission chairman elected at large, commissioners elected by district—
HB 460, page 192

Jackson, county revenue commissioner to assess and collect taxes—
HB 218, pages 46, 984, 1044, 1682, 1728, 1934

COUNTIES (Continued)

Jackson, fire districts, authorized—
HB 223, pages 47, 106, 203, 1708, 1737, 1935

Jackson, fire protection tax, levied—
HB 316, pages 110, 182, 274, 1683, 1728, 1934

Jackson, tax collector and probate judge reimbursed for monetary loss due to errors or mistakes—
HB 222, pages 47, 984, 1045, 1046, 1925, 1926, 1938, 2078

Jackson, tennessee valley authority payments, portion of, used for legislative office—
HB 220, pages 47, 106, 203, 1683, 1728, 1934

Jefferson, assistant sheriff, compensation prescribed—
HB 324, pages 112, 347, 491, 571, 572
SB 91, pages 824, 825, 872, 936, 1031

Jefferson, Bessemer office of probate judge, assistant probate judge serving, appointment, duties and compensation of—
HB 851, pages 1035, 1186, 1423

Jefferson, Bluff Park fire district board of trustees, selection of—
HB 531, page 288

Jefferson, board of equalization and adjustments, compensation—
HB 84, pages 20, 346, 437, 902, 939, 1578, 1579, 1594, 1680
HB 293, pages 60, 314, 616
HB 795, page 878

Jefferson, chief deputy sheriff, office of, regulated—
HB 530, pages 287, 435, 572, 1670, 1693, 1934

Jefferson, civic center authority board members, method of selection—
HB 312, pages 109, 347, 452, 570

Jefferson, corneal tissues, removal of, for transplantation, regulated—
SB 451, pages 825, 825, 1547

Jefferson, employee vacation leave—
HB 406, pages 139, 436, 573

Jefferson, fish, taking of, regulated—
HB 721, pages 567, 872, 937, 1191, 1222, 1299
SB 474, pages 1232, 1235, 1366, 1437, 1474

Jefferson, in county telephone calls to be billed as local service—
HB 593, pages 349, 436, 575

Jefferson, indigent medical care authority, created—
HB 809, page 923

Jefferson, sewer improvement districts, created—
HB 792, pages 877, 904

Jefferson, sheriff, executive assistant, authorized to employ—
HB 85, pages 21, 346, 569, 1527, 1541, 1679

Jefferson, sheriffs office personnel, compensation incentive for—
HB 654, pages 408, 1186, 1421

COUNTIES (Continued)

Jefferson, superintendent of education, election of, provided for—
HB 620, page 391

Jefferson, vacation change amendment act—
HB 834, pages 993, 1186, 1423

Jefferson, weeds, noxious or dangerous, county commission granted authority to declare a public nuisance—
HB 732, pages 612, 1186, 1422

Lamar, county commission, disposal of property under control of—
HB 678, pages 479, 537, 578

Lamar, county commission to serve on full time basis, expense allowance—
HB 554, pages 318, 346, 452, 1709, 1733, 1935

Lauderdale, lands selling and redeeming of, for taxes—
HB 804, pages 922, 1185, 1416

Lauderdale, legislative office, authorized—
HB 127, pages 28, 104, 152, 302, 308, 342

Lawrence, special recording fee, provided for—
HB 504, pages 247, 346, 450, 1461, 1471, 1537

Lawrence, t.v.a. in-lieu-of payments, distributed—
HB 689, pages 539, 556, 618, 1458, 1468, 1537

Lee, board of education, election of—
HB 507, pages 247, 400, 572, 886, 1684, 1729, 1934

Lee, draft beer, legalized—
HB 511, pages 248, 400, 455, 1684, 1729, 1934

Lee, forest lands, assessment levied for protection of—
HB 749, pages 652, 764, 891, 1319, 1336, 1379

Lee, mobile home registration fees, distributed—
HB 889, pages 1200, 1364, 1431
SB 547, pages 1494, 1495, 1552, 1718, 1741

Limestone, Athens, city of, residents of, prohibited from voting for county superintendent and board of education—
SB 546, pages 1493, 1495, 1546, 1712, 1740

Limestone, criminal rehabilitation, provided for—
HB 639, pages 405, 431, 481, 1456, 1463, 1536

Limestone, pistol permit fees, provided for—
HB 181, pages 39, 131, 205, 580, 586, 594

Limestone, t.v.a. payments, distributed—
HB 640, pages 405, 431, 481, 1456, 1463, 1536

Lowndes, beer tax, distributed—
SB 360, pages 488, 489, 650, 889, 905

Lowndes, public law library, cost for support of—
HB 448, pages 189, 400, 454
SB 223, pages 296, 297, 401, 458, 524

COUNTIES (Continued)

Lowndes, racing commission, created—
HB 808, pages 923, 1028

Lowndes, tax assessor and tax collector, clerical assistants, provided for—
HB 780, pages 875, 1028, 1104

Macon, board of registrars, county insurance program, to be included under—
HB 836, pages 994, 1030, 1110, 1707, 1735, 1935

Macon, circuit clerk, additional expense allowance—
HB 837, pages 994, 1030, 1111, 1707, 1735, 1935

Macon, coroner, expense allowance—
HB 838, pages 994, 1030, 1111, 1707, 1735, 1935

Macon, Daniel "Chappie" James aerospace memorial, bonds issued for, authorized—
HB 845

Macon, racing commission, created—
HB 484, pages 197, 245, 302, 687, 1182, 1212, 1298
HB 763, page 655

Madison, beer tax, distributed—
HB 499, page 246
SB 329, pages 1495, 1496, 1686

Madison, board of education, compensation of—
HB 909, page 1205

Madison, circuit clerk, compensation of—
HB 908, page 1205

Madison, coroner, salary of—
HB 907, page 1205

Madison, county commission chairman, salary of—
HB 913, page 1206

Madison, county commission, expense allowance—
HB 911, page 1206

Madison, county commission, salaries of—
HB 910, page 1206

Madison, district attorneys office special services division, created—
HB 760, pages 654, 765, 893, 1191, 1222, 1299

Madison, excise and privilege license taxes, levied—
SB 560, pages 1663, 1665, 1686

Madison, legislative delegation office, t.v.a. payments in-lieu-of taxes, reallocated to fund—
HB 542, pages 290, 347, 454
SB 272, pages 421, 422, 765, 893, 933, 1031

Madison, probate judges salary—
HB 912, page 1206

Madison, racing commission, created—
HB 488, pages 197, 317, 366, 368, 370, 371, 687

COUNTIES (Continued)

Madison, sheriff, compensation increased—
HB 914, page 1206

Madison, taxes, privilege, excise and franchise, levied—
HB 921, page 1377

Marengo, county revenue commissioner, office of, created—
HB 904, pages 1204, 1365, 1434, 1706, 1737, 1936

Marengo, property tax, additional, levied—
HB 906, pages 1205, 1365, 1435, 1707, 1738, 1935

Marion, county governing body, expense allowances, provided—
HB 95, pages 22, 130, 204, 828, 828, 899

Marshall, county commissioners to serve full time—
HB 816, pages 989, 1029, 1105, 1106, 1682, 1731, 1935

Marshall, forest lands, assessments for protection of—
HB 861, pages 1194, 1363, 1424, 1706, 1736, 1935
HB 862, pages 1194, 1363, 1425, 1706, 1738, 1935

Marshall, t.v.a. in-lieu-of taxes payments, distributed—
HB 860, pages 1194, 1362, 1424, 1706, 1736, 1935

Marshall, venue, change of, in criminal and civil trials—
HB 521, pages 285, 317, 365, 1190, 1221, 1299

Mobile, bingo authorized—
SB 377, pages 1345, 1346, 1547, 1720, 1721, 1794, 1894
SB 378, pages 1346, 1547, 1721, 1741

Mobile, board of equalization, chairman to be full time employee of—
HB 182, page 39

Mobile, board of health, ad valorem tax, percentage of, allocated to—
HB 183, pages 39, 106, 158, 159, 203, 272, 1681, 1727, 1934

Mobile, board of school commissioners, rights, powers and duties of—
HB 842, page 1032

Mobile, civil defense authority, created—
HB 456, page 191

Mobile, commission authorized to grade all county dirt roads traveled by mail carriers—
HB 635, pages 404, 436, 484, 1191, 1221, 1299

Mobile, commission authorized to provide a health insurance program for retired county employees—
HB 637, pages 405, 436, 485, 1191, 1222, 1299

Mobile, constables office, abolished—
HB 186, page 40

Mobile, constables, qualifications and duties—
HB 879, page 1198

Mobile, fireworks regulated—
HB 477, page 195

COUNTIES (Continued)

Mobile, gifted student teacher units, allocated for—
SB 480, pages 1234, 1235, 1548, 1714, 1739

Mobile, leash law, referendum held on—
HB 880, pages 1198, 1548

Mobile, medically indigent, provided for—
HB 44, pages 13, 105, 158, 203, 272, 302, 335, 364, 450, 477, 544, 1227, 1268, 1299
HB 45, pages 13, 106, 158, 203, 272, 302, 335, 364, 450, 481, 569, 616, 665, 885, 886, 1191, 1221, 1299

Mobile, Mobile united inc. alcoholic beverage tax distribution to, provided—
HB 790, pages 877, 921, 997, 1456, 1463, 1536

Mobile, money deposited with court, percentage deposited in county general fund—
HB 37, page 12

Mobile, Oakleigh antebellum house museum, annual distribution made to—
HB 676, pages 479, 609, 667, 668, 1191, 1222, 1299

Mobile, political subdivisions required to solicit competitive bids for leasing of space—
HB 788, page 876

Mobile, public hospital board, appropriations—
HB 46, page 14

Mobile, racing commission, compensation and qualifications, licenses, pools and bets, deposit of funds—
HB 876, pages 1197, 1385, 1562

Mobile, volunteer fire departments allowed to paint arrows on highways to signify fire hydrant location—
HB 185, pages 40, 106, 203, 273

Mobile, voters lists, probate judge allowed to sell—
HB 878, pages 1197, 1548

Mobile, youth athletic board, established—
HB 187, pages 40, 105, 156, 1461, 1469, 1537

Monroe, board of education, additional expense allowances—
SB 441, pages 824, 825, 872, 936, 1032

Montgomery, county commission, administrative assistants, authorized to employ—
HB 870, pages 1196, 1366, 1476, 1477

Montgomery, probate judges compensation—
HB 747, pages 651, 872, 938, 939, 995, 1044, 1048, 1049, 1897, 1898, 1940, 2078

Montgomery, retirement system, annual audits of assets and liabilities—
HB 891, pages 1201, 1366, 1440

Morgan, Flint, town of, branch banks established in—
HB 817, pages 989, 1029, 1105, 1106, 1107, 1735, 1935

COUNTIES (Continued)

Morgan, gasoline taxes, distributed—
HB 98, pages 23, 130, 204, 580, 586, 594

Morgan, sheriffs department employees, salaries—
SB 428, pages 590, 591, 608, 666, 790

Morgan, superintendent of education, compensation—
SB 456, pages 591, 608, 667, 791

Morgan, t.v.a. in-lieu-of taxes payments, distributed—
SB 76, pages 295, 297, 920, 996, 1023

Pickens, alcoholic beverages, prohibited—
SB 550, pages 1493, 1546, 1711, 1741

Pickens, branch banks authorized—
HB 519, pages 285, 346, 451, 1461, 1471, 1537

Pickens, court costs, increased—
HB 119, pages 27, 104, 151, 1460, 1470, 1537

Pickens, pistol permit fees, increased—
HB 520, pages 285, 346, 451, 1461, 1471, 1537

Pickens, real estate deeds filed or recorded in, ad valorem information, to contain—
HB 120, pages 27, 104, 152, 1460, 1470, 1537

Pickens, road system, single centralized, provided for—
HB 884, pages 1199, 1363, 1428, 1429

Pickens, timber lands, tax assessed for protection of—
HB 857, pages 1095, 1186, 1423, 1706, 1736, 1935

Pickens, wet/dry referendum, time interval between elections—
SB 549, pages 1492, 1493, 1546, 1712, 1740

Pike county commissions, meeting dates—
HB 688, pages 538, 556, 617, 1458, 1468, 1537

Pike, probate judge compensated on a salary basis—
HB 755, pages 653, 764, 892, 1459, 1469, 1537

Pike, tax assessor, tax collector and circuit clerk, deputies provided—
HB 13, pages 7, 130, 204, 1460, 1470, 1536

Randolph, coroner, compensation of—
HB 694, pages 540, 608, 666, 1684, 1731, 1934

Randolph, sales and use tax, levied—
HB 726, pages 610, 650, 887, 889, 1336, 1340, 1374, 1379

Randolph, soil percolation tests, health department to perform—
HB 680, pages 480, 537, 579, 1684, 1730, 1934

Revenues distributed to, by state agencies, procedures prescribed—
HB 286, pages 58, 101, 790, 1666, 1689, 1933

Shelby, alcoholic beverage retailers, licensing of—
HB 916, pages 1207, 1365, 1435, 1436, 1707, 1737, 1936
SB 557, pages 1493, 1685, 2065, 2076

COUNTIES (Continued)

Shelby, board of education, election and tenure of—
HB 419, page 142

Shelby, building codes, adopted—
SB 400, pages 590, 591

Shelby, coroner, term of office and expense allowance, deputy coroner, salary and expense allowance—
HB 328, pages 112, 537, 577, 1708, 1733, 1935

Shelby, county commission to set salary rates—
HB 704, page 564

Shelby, outdoor musical concerts, regulated—
HB 443, pages 188, 346, 450, 458, 1708, 1733, 1935
SB 563, pages 1664, 1665

Shelby, probate judges office, license issuing division in, created—
HB 703, pages 563, 1187
SB 562, pages 1663, 1665, 1687, 2068, 2076

Shelby, utilities prohibited from furnishing service until certificate of sanitation is issued—
HB 679, pages 479, 1094, 1241

Shelby, work on private property, county engineer to have powers and duties regarding—
HB 705, page 564

St. Clair, death certificates, county health officers authorized to issue—
HB 226, pages 48, 131, 206, 521, 790, 797, 826

Sumter, beer tax to be administered by probate judge—
HB 723, pages 567, 608, 666

Sumter, circuit clerk, expense allowance, provided—
HB 327, pages 112, 164, 207

Sumter, hazardous or non-hazardous waste stored or dumped in, fee levied—
HB 669, pages 441, 477, 543, 1190, 1221, 1299

Sumter, probate judge allowed to employ clerks—
HB 206, pages 44, 104, 154

Sumter, tax assessor, clerks, authorized to employ—
HB 455, pages 191, 282, 364

Sumter, tax collector, clerks, allowed to employ—
HB 372, pages 133, 182, 275

Talladega, revenue commissioner, office of, created—
SB 309, pages 590, 591, 871, 935, 951, 1031

Tallapoosa, board of education, lump sum provided in-lieu-of office space and equipment—
HB 383, pages 58, 604, 940, 944, 959, 960, 962, 963, 964, 965, 999, 1001, 1002

Tallapoosa, coroner, additional expense allowance—
HB 385, pages 136, 183, 276, 580, 587, 595

COUNTIES (Continued)

Tallapoosa, county commission, expense allowance—
HB 382, pages 135, 183, 275, 580, 587, 594

Tallapoosa, county commissioners to be full time officers—
HB 384, pages 135, 183, 276

Tallapoosa, draft beer, legalized—
HB 386, pages 136, 183, 277, 580, 587, 595

Tallapoosa, pistol permit fee, provided further for—
HB 818, pages 989, 1029, 1107, 1319, 1336, 1379, 1384

Tuscaloosa, ad valorem tax, additional levied—
HB 647, pages 407, 431, 482, 500

Tuscaloosa, beer tax, distributed—
HB 583, page 348

Tuscaloosa, circuit court judges orders and decrees, filed and preserved—
HB 770, pages 873, 1028, 1103, 1684, 1731, 1934

Tuscaloosa, pistol permits, fees and renewals—
HB 820, pages 990, 1029, 1107, 1459, 1469, 1537

Tuscaloosa, sheriffs office, auction of held and unclaimed property—
HB 821, pages 990, 1029, 1108, 1459, 1469, 1537

Tuscaloosa, voter registration, signature book and suspension of—
HB 102, pages 24, 131, 205, 1681, 1727, 1934

Walker, coroner, additional expense allowance—
HB 801, pages 921, 985, 1048

Walker, legislative delegation office, provided for—
HB 864, pages 1194, 1363, 1425

Walker, superintendent of education, salary—
SB 355, pages 970, 970, 985, 1047, 1053

Warrants issued by, for erecting buildings, bridges and roads, refunding of—
HB 101, pages 23, 163
SB 90, pages 1084, 1085, 1362, 1589, 1694

Washington, board of education, expense allowances—
HB 39, pages 12, 104, 150, 203, 272, 1460, 1470, 1537

Washington, coroner, expense allowance—
HB 30, pages 11, 103, 150, 202, 271, 1460, 1470, 1537

Washington, county commission, election of—
HB 29, pages 10, 103, 150, 202, 271, 1460, 1470, 1536

Washington, poll workers, compensation—
HB 31, pages 11, 103, 150, 202, 271, 1460, 1470, 1537

Washington, probate judge, county commission, tax assessor, tax collector, district judge and circuit clerk, expense allowances—
HB 38, pages 12, 103, 150, 203, 272, 302, 333, 334, 1533, 1534, 1541, 1679

COUNTIES (Continued)

Winston, gasoline and diesel fuel, excise tax levied on—
SB 565, pages 1664, 1665

Winston, tobacco tax, levied—
SB 566, pages 1664, 1665, 1686, 2066, 2067

COUNTIES 600,000 OR MORE POPULATION

Alcoholic beverages, Sunday sales, authorized—
HB 349, page 116

Civil defense agency, additional funds for—
HB 858, page 1096
HB 920, page 1377

Municipal incorporation, restrictions deleted—
HB 234, pages 50, 130, 1274, 1275

Wharves and wharf facilities within twenty-five mile radius, municipalities in, allowed to acquire—
SB 516, pages 1233, 1235

COUNTY HOSPITAL ASSOCIATIONS

Directors of, appointments and terms of—
HB 36, pages 11, 129, 345, 771, 772

COUNTY OFFICES

Filling of vacancies in—
HB 156, pages 35, 429

COUNTY OFFICIALS AND EMPLOYEES

Blind, minimum benefit allowance under employees retirement system, entitled to—
HB 526, pages 286, 902, 1330

COUNTY SUPERINTENDENTS OF EDUCATION

Appointment of all, provided for—
HB 318, page 111

COURT COSTS

Circuit and district, distribution of, to judicial training and education fund, enhanced—
HB 261, page 54
HB 340, pages 115, 125, 208, 216, 220, 1899, 1907, 1939, 2078

COURT HEARINGS

Mentally ill, persons found to have committed criminal act while, procedure for, prior to release—
HB 75, pages 19, 128, 304

COVINGTON COUNTY

County commissioners districts, redivision of—
HB 887, pages 1200, 1364, 1430

Road and bridge money distributed—
HB 888, pages 1200, 1364, 1430, 1548

CRANSTON, SENATOR ALAN

Invited to address legislature—
HJR 283, pages 770, 800, 833, 899

CREDIT UNIONS

Examination fees provided for—
HB 80, pages 20, 163

Provided for—
HB 165, pages 36, 163, 1119, 2073, 2074, 2079
SB 130, pages 1080, 1081

CRIME VICTIMS COMPENSATION COMMISSION

Created—
HB 544, pages 290, 983, 1504, 1515, 1517, 1518

CRIMES AND CRIMINALS

Burglary and criminal trespass defined—
HB 299, pages 61, 128, 1267, 1895, 1939, 2078
SB 21, pages 1348, 1349, 1549

Burglary of dwelling house, house need not be lawfully occupied—
HB 167, page 37

Death sentence commuted by governor, inmate to serve life without parole—
HB 175, page 38
HB 298, pages 61, 128, 631

Drug felons prohibited from possessing a pistol—
HB 625, page 403

Felonies, persons convicted of required to serve minimum sentence—
HB 321, page 111

Felony fines increased—
HB 139, page 31

Harassment or harassing communications provided for—
HB 883, page 1199

Income to convicted felon due to communication concerning felons offense, to be used for welfare of indigent victims of crime—
HB 543, pages 290, 1357

Insane persons in custody for criminal acts, notification and hearing procedures prior to release of—
HB 254, page 53

Labor unrest or violence, criminal offenses relating to, classified—
HB 137, pages 31, 394

Mentally ill, persons found to have committed criminal act while, court hearings prior to release of—
HB 75, pages 19, 128, 304

Misdemeanor defendants housed in city or county jails required to reimburse for housing maintenance and medical costs—
HB 227, pages 49, 244, 1114, 1115

CRIMES AND CRIMINALS (Continued)

Misdemeanor fines increased—
HB 140, page 31

Preventive detention through denial of bail provided for—
HB 277, page 57

Restitution, convicted felons ordered to pay, statements of assets and income required—
HB 618, pages 391, 605
HB 695, page 540

Restitution orders in criminal cases considered final judgment—
HB 246, pages 52, 238, 626, 1341, 1342, 1374, 1379

Trade secrets, theft of, criminal offense of—
HB 798, pages 921, 984, 1162, 1465, 1472, 1537

Violent crimes, persons convicted of, not eligible for work release—
HB 292, pages 59, 433

CRIMES AND OFFENSES

Alibi defense, notice to district court, continuing duty of disclosure—
HB 259, page 54

Appeal by state provided for in criminal cases—
HB 78, page 20
HB 268, pages 56, 605

Bid rigging and refraining from bidding on public contracts, penalties—
HB 278, pages 57, 127, 1153

Child enticement, separate crime of created—
HB 347, pages 116, 1024, 1154, 1156

Convenience store robbery, separate crime of, established—
HB 343, pages 115, 1184

D.u.i., minimum blood alcohol content lowered—
HB 264, pages 55, 650, 1011, 1019, 1050, 1054, 1059, 1500, 1502, 1565, 1722, 1726, 1742, 1743, 1936

D.u.i., municipalities required to observe state law concerning—
HB 271, page 56

Escape from work release, trustee, furlough, leave or pass—
HB 77, pages 19, 128, 777, 778
HB 256, page 53

Food stamps, illegal possession of made a criminal offense—
HB 105, pages 24, 127, 345, 798, 799
HB 294, page 60

Insanity not a defense in criminal charges—
HB 76, page 19

Littering, provided for—
HB 202, page 43

CRIMES AND OFFENSES (Continued)

Nolo contendere conviction admissable as evidence in another jurisdiction—
HB 79, pages 20, 128, 633
HB 255, page 53

Prostitution, class A misdemeanor, defined and punished as—
HB 306, pages 108, 128, 780

Youthful offender proceedings, victim and family allowed to be present at stages of—
HB 263, pages 54, 127, 345, 778, 799

Youthful offenders, certain crimes, not eligible to be tried as—
HB 210, page 45
HB 276, pages 57, 535, 778

CRIMINAL CASES

Felonious, dispositions of, resulting in prosecution for lesser offense without the consent of the victim, prohibited—
HB 674, page 478

CRIMINAL JUSTICE INFORMATION CENTER

Director and deputy to be in unclassified service—
HB 550, page 292

CRIMINAL LITTERING

Offense of, provided for—
HB 8, pages 7, 435

Penalties increased—
HB 786, page 876

CRIMINAL OFFENSES

Victims of, protected from intimidation—
HB 412, pages 141, 1184

CRIMINAL PROCEDURE

Victims entitled to be present at trial proceedings—
HB 60, page 16
HB 297, pages 60, 238, 620, 1666, 1689, 1933

CRIMINAL PROCEEDINGS

Superintendents or physicians of state mental health facilities, permitting depositions to be taken of, by state—
HB 270, page 56
SB 107, pages 1345, 1383

CRIMINAL SIMULATION

Reproduced goods and textiles calculated to defraud, criminal offense—
HB 771, page 874

CRIMINAL TRESPASS

Crime of, defined—
HB 299, pages 61, 128, 1267, 1895, 1939, 2078
SB 21, pages 1348, 1349, 1549

CROCKER, EDDIE

Commended—
HJR 160, pages 356, 394, 401, 422

CROCKER, TERRY

Commended—
HJR 160, pages 356, 394, 401, 422

CROSBY, JOSEPH RAYMOND

Commended—
HJR 35, pages 79, 186, 215, 234

CROW, REP. BOBBY C.

Commended—
HJR 454, pages 1582, 1666, 1691, 1934

CROZIER, MRS. BARBARA

Miss wheelchair America, 1983, commended—
SJR 32, pages 90, 91, 200

CULLMAN COUNTY

Branch banks authorized—
SB 380, pages 421, 422, 431, 483, 524

Lodging tax increased—
SB 559, pages 1663, 1665, 1685, 2065, 2076

CUTTS, JAMES WILEY

Commended—
HR 17, page 71

CYSTIC FIBROSIS PATIENTS

Included as persons to whom public assistance is payable—
HB 436, page 187

DADEVILLE HIGH SCHOOL

Majorettes, commended—
HJR 103, pages 250, 368, 375, 380

DALE COUNTY

Beer tax distributed—
SB 520, pages 1234, 1235, 1546

DANIEL "CHAPPIE" JAMES AEROSPACE MEMORIAL

Bonds issued for—
HB 845, pages 1033, 1094, 1417, 1708, 1737, 1935
HB 846, page 1033
HB 847, pages 1034, 1094, 1417, 1705, 1738, 1935

DAVIDSON, DR. AND MRS. JAMES EDWARD

Commended—
HR 25, page 76

DAVIS, EVELYN

Commended—
HR 274, page 677

DAVIS, GLADYS

Best wishes extended—
HR 80, page 150

DAVIS, JACK EDWARD

Commended—
HR 497, page 1944

DAVIS, MIKE

Commended—
HR 61, page 121

DAVIS, NAOMI

Commended—
HR 372, page 1114

DAVIS, WILLIE J.

Commended—
HR 220, page 473

DEADLY FORCE

Arrest, use of in making, instances where, may be used, altered—
HB 783, page 876

DEATH SENTENCE

Commuted by governor, inmate to serve life without parole—
HB 175, page 38
HB 298, pages 61, 128, 631

Execution by lethal injection provided for—
HB 433, page 166

DECATUR

City of, utilities in, price increase for services regulated—
HB 917, pages 1207, 1365, 1481

DECATUR-MORGAN COUNTY PORT AUTHORITY

State docks to transfer facilities to—
HB 598, page 350

DECEDENTS ESTATES

Administration of, succession of, ambiguities clarified—
HB 800, page 921

DECEPTIVE PRACTICES

Prohibited—
HB 116, pages 26, 982
SB 113, pages 1082, 1083, 1184

DEKALB COUNTY

Juvenile probation fund established—
SB 530, pages 1235, 1236, 1546, 1740

DELINQUENT ACT

Defined—
HB 295, pages 60, 1382

DEMONY, MARY LOUISE

Commended—
HR 31, page 77

DENHAM, MR. AND MRS. WILLIAM OTTIS

Commended—
HR 471, page 1701

DEPARTMENT HEADS

Appointed by governor, merit system job appointment of, provided for—
SB 432, pages 1484, 1485, 1543

Appointed by governor who has been a member of retirement system as employee and has been a county engineer, repayment of withdrawn service—
SB 433, pages 1484, 1485, 1688

DEPARTMENT OF CORRECTIONS

Public printing and binding transferred to—
HB 229, page 49

Supervised intensive restitution program, commended—
SJR 26, pages 89, 90, 299, 329

DEPARTMENT OF PUBLIC SAFETY

Exempt from proration—
HB 374, page 134

DEPUTY CIRCUIT CLERKS

Supplemental salaries, election of—
HB 473, pages 194, 432

DEPUTY REGISTRAS

Any qualified elector may be appointed as—
HB 658, pages 439, 539

DEPUTY SHERIFFS

Employment, service, disciplining and dismissal regulated—
HB 235, pages 50, 606

DESIGNATION OF HIGHWAYS, ROADS AND BRIDGES

David E. Temple Highway, named—
HJR 117, pages 268, 369, 376, 380

DEVELOPMENT BOARD AND DEPARTMENT OF DEVELOPMENT

State, created—
HB 23, page 9

DIESEL FUEL

Agricultural use, distributor of, exempt from bond—
HB 479, pages 196, 400

Sales and use taxes, used for off-highway agricultural purposes, exempt—
HB 21, pages 9, 1031, 1116, 1465, 1472, 1537

DIETARY SUPPLEMENTS

Sales tax, exempt—
HB 19, page 8

DIETITIANS

Qualifications prescribed—
HB 353, pages 118, 426
SB 226, pages 1490, 1544

DILLARD, DOYLE M. III

Commended—
HR 370, page 1098

DISABLED PERSONS

State parks, admitted free—
HB 453

Totally, hunting and fishing licenses provided for—
HB 144, pages 32, 398, 1164
HB 303, pages 107, 243

DISABLED VETERANS

Defined further, educational benefits—
HB 555, page 319
SB 259, pages 1349, 1351

Educational benefits of children, wives or widows of—
HB 668, page 441

Motor vehicles of, ad valorem taxes, exempt—
SB 364, pages 1349, 1351

DISPLACED HOMEMAKERS

Postsecondary education programs for, established—
HB 114, page 26

DISTRICT ATTORNEYS

Unlicensed concealed weapons, allowed to carry—
SB 438, pages 1347, 1348, 1382

DISTRICT OF COLUMBIA

HJR 554, United States Congress, representation of, provided by, ratified—
HJR 426, page 1413

DIVORCE

Allowances in granting of, certain property excluded from—
HB 814, page 924

DIVORCE DECREES

Filing of petitions to modify, relating to child custody and visitation rights, venue with respect to—
HB 673, page 478
SB 388, pages 1085, 1086, 1550

DOBBINS, HENRY L.

Commended—
HR 303, page 884
SJR 115, pages 553, 575

DOG TRACK OPERATIONS

Ten percent gross receipts tax for support of public kindergartens levied—
HB 351, page 117
HB 352, page 118

DOGS

Fighting of, prohibited—
SB 87, pages 593, 594, 762

DOLOMITE

Severance tax levied on—
HB 588, page 348

DOMESTIC INSURERS

Oil and gas ivestments of, limited—
HB 224, pages 48, 163, 620, 1675, 1676, 1693, 1934
SB 38, pages 592, 594, 764, 1276, 1443

DOUGLAS, JAMES E.

Death mourned—
HR 265, page 662

DOWNING, GEORGE

Commended—
HR 338, page 978

DOWNTOWN RESCUE MISSION INC., OF HUNTSVILLE

Sales and use taxes, exempt—
HB 487, page 197

DRAFT BEER

Sale of legalized—
HB 28, page 10

DRILLING UNITS

Pooled, nonconsenting owners in, charges against—
SB 539, pages 1491, 1492, 1544

DRINKARD, MR. AND MRS. JOHN MOODY

Congratulated—
HR 259, page 657

DRIVERS EDUCATION TEACHERS

To be paid for higher level of certification—
HB 425, pages 165, 1353

DRIVERS LICENSES

Expired, traffic infractions—
HB 471, pages 194, 433

Military personnel, renewal of—
HB 33, pages 11, 103, 345, 806, 811, 812, 813

Truck drivers allowed 20 points before suspension of—
HB 170, page 37

DRIVERS OPERATING RECORD

Fee increased—
HB 252, pages 52, 100, 169, 172, 1746, 1748, 1936

DRIVING UNDER INFLUENCE

Confiscation of motor vehicles for, provided for—
HB 267, page 55

Defendants prior driving record allowed as evidence—
HB 266, page 55

Minimum blood alcohol content for offense of, lowered—
HB 264, pages 55, 650, 1011, 1019, 1050, 1054, 1059, 1500, 1502, 1565, 1722, 1726, 1742, 1743, 1936

Municipalities required to observe state law concerning—
HB 271, page 56

Penalties increased—
HB 141, page 31

DRUG PARAPHERNALIA

Crimes relating to, punishments set—
HB 265, pages 55, 1184
HB 341, page 115
SB 211, pages 1486, 1487, 1551

DRUG TRAFFICKING CASES

Seizures in, distribution of proceeds from—
HB 161, page 36

DRUGS

Amphetamines, dispensing of, regulated—
HB 624, pages 402, 603
SB 298, pages 1177, 1178, 1360

Controlled substances, crimes relating to, punishments set—
HB 265, pages 55, 1184
HB 341, page 115
SB 211, pages 1486, 1487, 1551

Prescription, copayment for, to conform with tax equity and fiscal responsibility act of 1982—
HB 807, pages 923, 1001, 1025, 1594, 1595

Prescription, medicaid reimbursement for certain—
HB 389, page 137

Sold to private hospitals exempt from gross sales tax—
HB 168, page 37

D.U.I.

Penalties increased—
HB 141, page 31

D.U.I. OFFENSE

Confiscation of motor vehicles for, provided for—
HB 267, page 55

Defendants prior driving record allowed as evidence—
HB 266, page 55

Minimum blood alcohol content for offense of, lowered—
HB 264, pages 55, 650, 1011, 1019, 1050, 1054, 1059, 1500, 1502, 1565, 1722, 1726, 1742, 1743, 1936

Muncipalities required to observe state law concerning—
HB 271, page 56

DUNCAN, ROSIE S.

Death mourned—
HR 158, page 355
HJR 159, pages 355, 395, 401, 422

DUNN, T. R.

Commended—
HJR 289, pages 781, 1181, 1214, 1299

DUTY OF SUPPORT

Additional or alternative remedy to the reciprocal state enforcement of, provided—
HB 388, page 137

DYING SHROUD AWARD

Awarded—
HR 514, page 2048

EARNEST, JAMES

Congratulated—
HJR 165, pages 359, 395, 401, 422

EAST ALABAMA SERVICES FOR THE ELDERLY

Sales and use taxes, exempt—
SB 190, pages 591, 592

EASTERN STANDARD TIME

State changed to—
HB 314, page 110

EASTERN TIME ZONE

Secretary of transportation urged to transfer state to—
HJR 385, page 1217

ECONOMIC DEVELOPMENT

Alabama economic development board created—
SB 505, pages 1351, 1545

ECONOMIC DEVELOPMENT COMMITTEE

Senate district 8, created in—
SB 407, pages 1495, 1496, 1545

EDUCATION

Boards of education, local, to pay employees lump sum for accumulated sick leave upon leaving system—
HB 414, page 141

Boards of, fiscal year changed—
HB 334, page 113

Cardiopulmonary resuscitation, instruction in, in public schools required—
HB 446, pages 189, 241, 344, 549, 1379, 1388, 1536

City and county boards of, reasonable compensation plan for members, authorized to establish—
HB 523, pages 286, 430, 1133, 1141, 1142, 1574, 1577, 1680

County superintendent of, qualifications—
HB 172, page 38
HB 173, page 38

County superintendents of, appointment of, provided for—
HB 318, page 111

Department of, appropriation provided—
HB 826, pages 991, 1030, 1140, 1921, 1922, 1941, 2078

Instructional materials and supply funds, budget in each school developed for expenditure of—
HB 381, pages 135, 1026
SB 233, pages 1082, 1083, 1355, 1586, 1588, 1667, 1694

EDUCATION (Continued)

Kindergartens, public schools and public elementary schools, terms to include—
HB 714, page 566

Local boards of, person appointed to accept resignations of employees—
HB 337, page 114

Non-teachers and non-certified employees of public, fair dismissal procedures—
HB 121, pages 27, 505
HB 296, pages 60, 242, 496, 500, 501, 505, 515, 1226, 1227, 1268, 1595, 1597, 1665, 1688, 1933

Postsecondary, displaced homemakers, programs for, established—
HB 114, page 26

Public education employees health insurance plan provided for—
HB 163, pages 36, 399, 633, 669, 675, 678, 685, 757, 1420, 1421, 1445, 1477, 1479, 1516, 1536, 1538

Public school and college authority, board of, chief executive officer of postsecondary education and executive officers of the commission on higher education added as members of—
HB 713, page 565

School trustees, office of, abolished—
HB 344, pages 116, 242, 1143, 1144

State board of, comprehensive evaluation plan for differentiated salaries for superior performance, established—
HB 65, page 17

State board of, election of—
HB 715, pages 566, 606

State board of, statewide staff development program established—
HB 330, page 113

State department of, supplement appropriations made to, for apprenticeship program—
HB 518, page 285

State superintendent of, election of—
HB 863, page 1194

State textbook allocation fund, appropriation provided—
HB 332, page 113

Teacher-of-the-year program established—
HB 506, pages 247, 316, 1308, 1310

Teacher transfer provided for—
HB 336, page 114

Teacher units additional provided—
HB 331, page 113

Teacher units determined on basis of average daily membership—
HB 338, page 114

EDUCATION (Continued)

Teachers, personal leave and sick leave—
SB 299, pages 1085, 1086, 1385, 1592, 1694

Tenure, assistant principal and administrative assistant to principal allowed to obtain—
HB 429, page 166
HB 430, page 166

Trade school and junior college authority and board, chief executive officer of postsecondarty education and executive officer of the commission on higher education added to—
HB 727, page 610

Transportation of students, funds allotted for, method of determining—
HB 415, page 141

Uniform health insurance plan for educational employees provided—
HB 576, page 322

EDUCATIONAL BENEFITS FOR DEPENDENTS OF BLIND PARENTS

Family income monetary restrictions eliminated—
HB 768, pages 768, 1354, 1614, 1615

EDUCATIONAL TELEVISION STUDIO

Mobile county, appropriation provided to establish in—
HB 333, page 113

EGG PRODUCERS

Legal rights of—
HB 596, pages 350, 988

ELDERLY PERSONS

Housing and care of, provided further for—
HB 73, pages 18, 101, 344, 526
SB 174, pages 593, 594, 607, 1170, 1210

State parks, 62 or older, exempt from fees, permits and charges—
HB 548, page 291

ELECTED OFFICIALS

Recall of, provided for—
HB 5, page 6

ELECTION LAWS

Temporary changes made in to implement the 1983 legislative redistricting plan—
HB 546, page 291
HB 599, page 350

ELECTION OFFICERS

Compensation fixed—
HB 155, pages 35, 429

ELECTIONS

Governor urged to call—
HJR 166, page 360
HJR 217, page 446

House members, committees—

Primary, place and time for holding—
HB 357, page 118
HB 573, pages 321, 397
HB 632, pages 404, 981
SB 210, pages 1084, 1085, 1093, 1577, 1578
SB 453, pages 1660, 1661, 1685, 2070, 2072

ELECTIONS AND VOTING

Box-by-box and precinct totals provided as a public record—
HB 390, page 137

County commission allowed to designate place other than courthouse for holding—
HB 157, pages 35, 316

Election administration improved, costs reduced—
SB 279, pages 1085, 1362

Fair campaign practices commission created—
HB 371, pages 133, 430

Municipal election dates set—
HB 180, pages 39, 130, 1591, 1592

Special elections, conduct of, provided further for—
HB 839, page 1032

Statewide voter file maintenance system established—
HB 291, page 59

Voters, purging of lists of, provided for—
HB 416, pages 141, 763
SB 251, pages 1487, 1489, 1544

Voting territories, county commissions allowed to designate—
HB 155, pages 35, 429

ELECTRIC SUPPLIERS

Service territories for, provided—
HB 512, pages 248, 396, 536

ELMORE COUNTY

Coroner, expense and mileage allowance—
HB 677, pages 479, 871, 934, 1710, 1734, 1935

County jail inmates allowed to be used for work on county roads and projects—
HB 719, pages 566, 871, 934

EMANUEL DAVIDSON BUILDING

Named—
HJR 416, pages 1376, 1455, 1457, 1536

EMBALMERS

Apprentice, defined—
HB 494, pages 199, 316, 1007, 1008, 1898, 1940, 2078

EMERGENCY MANAGEMENT AGENCY

Civil defense department changed to—
HB 359, page 119
SB 46, pages 1080, 1358, 1614, 1693

EMERGENCY TELEPHONE CALL BOXES

Interstate 65 between Montgomery and Mobile, provided for—
HB 133, pages 30, 313, 806, 807, 1566, 1575, 1679

EMERGENCY VEHICLES

Red or blue lights restricted to only—
HB 356, page 118

EMPLOYEES RETIREMENT SYSTEM

Beer and license division employees of the alcoholic beverage control board defined as state policemen under—
HB 547, page 291

Cost-of-living increase, eligibility—
HB 11, page 7

County officials and employees deemed blind, minimum benefit allowance, entitled to—
HB 526, pages 286, 902, 1330

Early retirement under, provided for—
HB 623, page 392

Office of prosecution services employees eligible for—
HB 342, pages 115, 313, 893, 894

Preretirement death benefit program created—
HB 403, page 139
SB 227, pages 971, 972, 1355, 1580, 1585, 1694

Reopened—
HB 216, pages 46, 903

School bus drivers, mechanics and maintenance workers, reopened for—
HB 852, pages 1035, 1356

Surviving beneficiaries, fixed cost-of-living increase provided—
HB 439, page 187

Teachers retirement system, transfer of service between provided—
HB 311, pages 109, 903

ENDANGERED SPECIES

Protected birds or animals, taking of, penalties provided—
HB 622, pages 392, 905

ENGINEERS

Legal actions against, time period for bringing—
HB 819, pages 990, 1384
HB 822, pages 991, 1356

ENHANCEMENT REVENUE MEASURES

Relating to—
HR 226, page 521

ENSLEN HIGH SCHOOL YELLOW JACKETS

Commended—
HR 180, page 388

ENTERPRISE RESCUE SQUAD

Commended—
HR 364, pages 1059, 1132, 1140, 1180

Sales and use taxation, exempt—
HB 158, page 35

ENTERPRISE ZONES

Authorized and established—
HB 109, page 25

Class 5 cities authorized to establish—
HB 203, pages 43, 318

ENVIRONMENTAL MANAGEMENT

Department of, sufficient time to review permit applications for hazardous waste sites—
HB 378, page 134
HB 379, pages 134, 396

ESCAMBIA COUNTY

Jury commission, relating to—
SB 320, pages 553, 554, 608, 667, 790

Lands sold for taxes, duties transferred—
HB 112, pages 25, 104, 151, 1319, 1335, 1379

Supernumerary circuit clerks, compensation and expense allowances—
SB 548, pages 1492, 1493, 1546, 1712, 1740

Tax assessor and tax collector, compensation and expense reimbursement—
SB 292, pages 554, 764, 892, 898, 905

ESCAPE

Offense of, work release, trustee, furlough, leave or pass—
HB 77, pages 19, 128, 777, 778
HB 256, page 53

ESCATAWPA RIVER

National park service requested not to consider, to be put under wild and scenic act—
HR 236, page 560

ESCOTT, REVEREND WEDZELL, SR.

Commended—
HR 280, page 678

ESTATE AND INHERITANCE TAXES

Due dates and interest rate changed—
HB 243, pages 51, 100, 174, 1911, 1916, 1939, 2078

ETHICS

Code of, public employee redefined under—
HB 712, pages 565, 760

ETHICS COMMISSION

Subpoena power granted, investigation of complaints—
HB 735, pages 613, 760

ETHICS LAW

Candidates and nominees for public or appointive offices, financial disclosure required—
HB 738, pages 613, 761

Financial disclosure information, additional required—
HB 737, page 613
HB 740, page 613

Legislative employee, definition deleted, statement of economic interest, definition added, public employee and public official redefined—
HB 739, pages 613, 761

Violation of, maximum prison term and fine set—
HB 736, pages 613, 761
SB 414, page 1485

ETOWAH COUNTY

Bingo, referendum held on—
SB 459, pages 820, 820

Constable of district court granted an expense allowance—
SB 501, pages 1235, 1236, 1686, 2067, 2076

County commission, contingency fund, created—
SB 457, pages 819, 820

Insurance premiums for certain laid off employees, required to pay—
HB 597, pages 350, 920, 995

Signature stamps for county officials authorized—
SB 105, page 392

Superintendent of education, election or appointment of, referendum held on—
SB 503, pages 1346, 1710

EVICTION ACTIONS

Change of venue—
HB 464, pages 192, 433

EVIDENCE

Exhibits offered in, disposition of—
HB 465, pages 192, 432
SB 348, pages 1343, 1344, 1382

EXECUTION

Lethal injection, by, provided for—
HB 433, page 166

Mode of, for person sentenced to death wishing to make anatomical gifts—
HB 391, pages 137, 241

EXECUTION OF PROCESS

Property upon which debtor has granted a lien not subject to exemptions of levy and sale—
SB 510, pages 1483, 1484, 1550

EXECUTIVE SECURITY OFFICERS

Provided further for exemptions of—
SB 228, pages 1179, 1361

EXECUTIVE SESSIONS

Municipal governing bodies allowed to meet with attorneys in—
HB 82, pages 20, 920

EXPLORE CENTER, INC.

Sales and use taxes, exempt—
HB 435, page 187

EYE FOUNDATION HOSPITAL

Accreditation, congratulated—
SJR 219, pages 1078, 1211

FACTORY-BUILT HOUSING

Certification and regulation of—
HB 317, pages 111, 243, 1273

Certification of, provided for—
HB 212, pages 45, 1027

FAIR CAMPAIGN PRACTICES COMMISSION

Created—
HB 371, pages 133, 430

FAIR DISMISSAL PROCEDURES

Non-teachers and non-certified employees of public school systems provided—
HB 121, pages 27, 505
HB 296, pages 60, 242, 496, 500, 501, 505, 515, 1226, 1227, 1268, 1595, 1597, 1665, 1688, 1933

FAIRHOPE HIGH SCHOOL FFA QUARTET

Commended—
HR 247, page 596

FALSE ADVERTISING

Prohibited—
HB 116, pages 26, 982
SB 113, pages 1082, 1083, 1184

FARM EQUIPMENT

Franchise agreements between retailers selling, items exempt from repurchase requirements—
SB 224, pages 1082, 1083, 1185, 1593, 1594, 1695

FARMERS HOME ADMINISTRATION

Failure to fully utilize monies allocated, deplored—
SJR 55, pages 297, 299, 329

FAYETTE COUNTY

County commission, full time, expense allowance—
HB 304, pages 108, 131, 206, 828, 829, 899

Deputy sheriffs, discipline and dismissal of—
HB 919, pages 1377, 1384, 1561

Legislative delegation office established—
HB 753, pages 652, 764, 891, 1710, 1734, 1935

Superintendent of education, travel and subsistence allowance—
HB 841, pages 1032, 1094, 1240, 1707, 1735, 1935

Trade in of old equipment by county commission excluded from competitive bids—
HB 745, page 651

FEDERAL AVIATION ADMINISTRATION

Approval of airport site in Sardis, requested to rescind—
HJR 351, page 1008
HR 352, page 1009

FEDERAL EMERGENCY MANAGEMENT AGENCY

Appropriation for states share of—
HB 592, page 349

FEDERATION LICENSING EXAMINATION

Board of medical examiners, allowed to use—
HB 716, pages 566, 606

FEIBELMAN, MR. HERBERT P., JR.

Death mourned—
SJR 252, pages 1927, 1945

FELONIES

Fines increased—
HB 139, page 31

Person convicted of, minimum sentence, required to serve—
HB 321, page 111

FERNANDEZ, YOLANDA TERESA

Commended—
HJR 94, pages 184, 278, 281, 312

FIFTEENTH JUDICIAL CIRCUIT

Appropriation made to, for additional circuit judgeship—
HB 326, page 112

District attorneys investigators, office abolished—
HB 784, page 876

FILM COMMISSION

Abolished—
HB 23, page 9

FILM PRODUCTION

Financial incentive for, registration—
HB 525, page 286

FINAL JUDGMENTS

Restitution orders in criminal cases considered as—
HB 246, pages 52, 238, 626, 1341, 1342, 1374, 1379

FINANCE AND TAXATION COMMITTEE

Employees of, provided for—
SB 189, pages 968, 968, 1354, 2069, 2076

FINANCE DIRECTOR

State, budget officer to serve at pleasure of—
HB 198, pages 42, 102, 303, 1160, 1161, 1167, 1180

FIRE LOSSES

Fire marshal, law enforcement agencies and insurance companies to share information regarding—
HB 417, pages 141, 242

Reports of, monetary requirement on—
HB 418, pages 141, 242

FIRE MARSHAL

State, assistants to, provided further for—
HB 529, pages 287, 430, 1285

FIRE PROTECTION

Municipalities, service charge for—
HB 432, pages 166, 317

FIRE PROTECTION DISTRICTS

Counties allowed to establish, fees set—
HB 431, pages 166, 317

FIRE/WATER HYDRANTS

Blue reflective markers to indicate location of, use of, provided for—
HB 322, pages 111, 347
SB 337, pages 1343, 1344, 1688

FIREARMS

Firing of, into houses, railroads, trucks, cars or boats, prohibited—
HB 413, pages 141, 1382
SB 158, pages 1349, 1351, 1549

FIREFIGHTERS

Distinctive license plates for, costs of—
SB 393, page 1490

Payroll deductions provided—
HB 426, page 165

FIREMEN

Killed in line of duty, compensation paid to dependents raised—
HB 476, pages 195, 1352

Retirement pay exempt from state or local income tax—
HB 407, page 140

FIREWORKS

Sale of, fees, permits, regulated—
HB 556, pages 319, 426
SB 361, pages 818, 819, 904

FISCAL NOTES

To be attached on third reading of bills—
HB 393, pages 137, 162, 229, 774, 776, 779, 820

FISCAL YEAR

State of Alabama, changed—
HB 718, pages 566, 607

FISHING LICENSES

Commercial, prices increased—
HB 411, page 140

Non-resident annual and trip, fees set—
SB 276, pages 1342, 1544

Persons age 65 or older not required to have—
HB 301, pages 107, 243, 1243, 1898, 1939, 2078

Totally disabled persons provided—
HB 144, pages 32, 398, 1163
HB 303, pages 107, 243

FISHING LICENSES (Continued)

Veterans confined to V.A. hospitals exempt from having to possess—
HB 734, page 612

FISHING VESSEL PERMIT

Created for salt and brackish waters—
HB 644, pages 406, 1027

FLAG DAY

Provided—
HJR 243, pages 562, 645, 659, 825

FLAMMABLE MATERIALS

Transporting through tunnels prohibited—
HB 871, pages 1196, 1362

FLEMMING, KAROL RUTH

Death mourned—
HR 239, page 561

FLINT

Town of, branch banks established in—
HB 817, pages 989, 1029, 1105, 1106, 1707, 1735, 1935

FLOMATON LIONS CLUB

Taxes, ad valorem, exempt—
HB 4, page 6

FLORENCE-LAUDERDALE COUNTY PORT AUTHORITY

State docks to convey property to—
HB 441, pages 188, 240, 344, 795, 797, 799, 1061, 1097, 1180
SB 291, pages 592, 594, 1359

FOOD STAMPS

Illegal possession of, criminal offense, punishment set—
HB 105, pages 24, 127, 345, 798, 799
HB 294, page 60

FOREIGN CORPORATIONS

Non-qualifying, registered agent for service of process by, appointment of—
SB 201, pages 816, 817, 1023

FOREIGN INSURERS

Taxes paid by, deductions—
HB 840, pages 1032, 1305

FOREIGN JUDGMENTS

Filing and treatment of, procedure for—
HB 472, page 194

Uniform enforcement of, provided for—
HB 545, page 291

FORD, JOHNNY

Commended—
HR 306, page 906

FOREMAN, MR. AND MRS. HEZEKIAH, SR.

Commended—
HR 505, page 1945

FORKLAND

City of, boundaries altered—
HB 672, pages 478, 556, 617, 1684, 1730, 1934

4-H CLUB FOUNDATION, INC.

Sales and use taxes, exempt—
HB 582, page 323

FOURTEENTH JUDICIAL CIRCUIT

District attorneys investigators, powers and authority of—
HB 865, pages 1195, 1363, 1426

Felony investigator for district attorney, office created—
HB 892, pages 1201, 1364, 1431

FOWLER, MRS. GERALD C.

Commended—
HR 129, page 294

FRANCHISE TAX

Based on actual amount of capital employed—
HB 566, page 320

Domestic corporations, levy on, increased, distribution formula—
HB 420, pages 142, 281, 344, 372, 377, 378, 381, 420, 421, 460, 465, 1891, 1893, 1895, 1928, 1929, 1933, 1940, 2078

Minimum raised—
HB 565, page 320

FRANKLIN, RHONDA KAY

Commended—
HJR 136, pages 311, 370, 376, 380

FRATERNAL ORDER OF POLICE

Erection of memorial—
HR 448, page 1559
SJR 306

FRICKS, MONA

Commended—
HJR 384, pages 1216, 1925, 1941, 2078

FRUIT GROWERS

Governor asked to obtain federal aid for—
HJR 50, pages 95, 368, 375, 379, 380

FULFORD, "HAPPY"

Commended—
HJR 110, pages 254, 369, 376, 380

FUNERAL SERVICES

Apprentice embalmers defined, rules, regulations—
HB 494, pages 199, 316, 1007, 1008, 1898, 1940, 2078

FUNERALS

Ceremonial, national guard allowed to furnish for eligible veterans—
HB 94, pages 22, 477, 1367
SB 330, pages 1349, 1351, 1383

GADSDEN

City of, form of government, referendum held on—
SB 458, pages 820, 820, 921, 996, 1023

GALLO, MARTHA IBYS

Commended—
HJR 162, pages 357, 395, 401, 422

GAMBRELL, D. JOE

Honored—
HR 523, page 2061

GAME AND FISH

Wardons retaining commissions upon retirement—
HB 42, pages 13, 243

GARNER, LEISHA LYNN

Commended—
HR 443, page 1556

GARNISHEES

Payment of costs to, whose answer is uncontroverted—
HB 470, pages 194, 433

GARNISHMENTS

Child support, provided for—
HB 307, pages 108, 435, 1132

GARY, MRS. GLORIA

Scott elementary school in Pratt City, outstanding service to students, commended—
SJR 180, pages 1237, 1443

GAS DISTRICTS

Computation and disposition of net income of—
SB 63, pages 966, 967, 1355, 1590, 1694

GAS SYSTEMS

Fee charged per active service line by public service commission—
HB 55, pages 15, 126, 344, 551, 552, 619, 1535, 1541, 1679
SB 207, pages 970, 971, 1356

GAS WELLS

Production privilege tax, exemption for certain wells—
HB 69, pages 17, 1351

GASOHOL

Alcohol blended fuel, same tax exemption—
HB 867, page 1195
SB 532, pages 1349, 1351, 1384, 1731, 1732

GASOLINE TAX

Distribution of proceeds of, for marine purposes—
HB 666, page 440

Methanol and ethylnol, same tax exemptions—
HB 867, page 1195
SB 532, pages 1349, 1351, 1384, 1731, 1732

GASOLINE TAXES

Four cents per gallon, repealed—
HB 825, page 991

GASTON, DR. A. G.

Honored—
HR 428, page 1415

GAVIN, JAMES R.

Death mourned—
HJR 329, pages 962, 1667, 1690, 1933

GENERAL CONTRACTORS

State licensing board for, continued—
HB 364, pages 119, 238, 385, 582, 587, 595

GENERAL FUND

Alcoholic beverages, mark up on, percentage of, to—
HB 248, pages 52, 100, 170, 1099, 1100, 1104, 1180

GENERAL FUND BUDGET

Provided—
HB 236, pages 50, 603, 688, 765, 768, 769, 770, 770, 1795, 1889, 1894, 1946, 2041, 2043, 2071, 2071, 2078

GENEVA COUNTY

Governor requested to petition President to declare as federal disaster area—
HJR.478, pages 1747, 1932

GEORGE LINDSEY CELEBRITY BENEFIT, INC.

Sales and use taxes, exempt—
HB 720, page 567
SB 190, pages 591, 592

GIFTED CHILDREN

Teacher units allocated for—
SB 185, pages 969, 969, 1687

GILL, MRS. LONIA M.

Commended—
SJR 268, pages 1498, 1658

GIPSON, EARL

Gratitude to, expressed—
HR 320, page 930
HJR 321, pages 930, 952, 957, 1090

GIRLS' BASKETBALL AND TRACK TEAM

Alabama institute for the deaf and blind, commended—
SJR 73, pages 299, 329

GLYNN, ONIS

Death mourned—
HJR 146, pages 331, 370, 377, 380

GOLD AND SILVER

Persons engaged in buying and selling, regulated, registered and licensed—
HB 87, page 21
SB 199, pages 1343, 1344, 1685

GOOD HOPE

Town of, boundaries altered—
HB 655, pages 438, 556, 616, 1709, 1734, 1935

GOODMAN, MR. AND MRS. ELLIS EUGENE

Commended—
HR 403, page 1367

GOODWYN JUNIOR HIGH SCHOOL PTA

Commended—
HR 131, page 294

GOODWYN, MR. AND MRS. LEON

Congratulating—
HJR 75, pages 147, 232, 233, 279

GOODYEAR BOULEVARD

Named—
HJR 97, pages 201, 368, 375, 379
SJR 9, pages 87, 88, 300, 328

GOVERNOR

Messages

Notified Legislature is in session—
HJR 2, pages 4, 96, 122

GOVERNOR (Continued)

Primary election dates, urged to set—
HJR 166, page 360

GOVERNORS COUNCILLOR

Qualifications—
HB 205, page 44

GRADDY, MR. AND MRS. WOODROW

Commended—
HR 29, page 77

GRAIN DEALERS

Bond requirements—
HB 610, pages 352, 398, 1318
SB 376, pages 823, 823, 1027, 1318, 1474

GRANDE, MR. AND MRS. CHARLES JACKSON

Commended—
HJR 252, pages 614, 645, 659, 826

GRANDPARENTS

Visitation rights of, provided for in adoption proceedings—
HB 557, page 319
HB 699, page 563

GREATER MOBILE PORT COUNCIL

Executive director of, to be included on the state docks advisory committee—
HB 571, pages 321, 426

GREEN, JOSEPH WALTON, JR.

Congratulated—
HJR 415, page 1375

GREEN COUNTY

Racing commission and parimutuel wagering provided for—
HB 225, pages 48, 105, 154, 453, 461, 474

Racing commission, governor to appoint—
HB 830, pages 992, 1031, 1111, 1114, 1319, 1336, 1379

GREER, J. BARTON

Death mourned—
HR 330, page 965

GREYHOUND RACING

State bred greyhounds certified, state breeders license provided for—
HB 877, page 1197

GRIMMER, MR. AND MRS. WILLIAM H.

Commended—
HR 26, page 76

GROSS RECEIPTS TAX

Contractors exemption when joint party with county or municipality, deleted—
HB 260, pages 54, 101, 180, 1746, 1748, 1936

GRUBBS, REBECCA LOU CUNNINGHAM

Death mourned—
HR 489, page 1943

GUICE, MR. AND MRS. JUDSON LUTHER

Commended—
HR 440, page 1554

GULF COAST COUNTIES

Zoning authority and land use planning, county governing bodies provided—
HB 731, pages 612, 763

GULF OIL COMPANY

Commended—
HJR 462, page 1696
HR 506, page 1945

GUNDY, DR. HOWARD B.

Chancellor of postsecondary education, supported—
SJR 40, pages 266, 326

GUNTERSVILLE HIGH SCHOOL BASKETBALL TEAM

Commended—
HR 19, page 72

G.W. CARVER HIGH SCHOOL WOLVERINES

Commended—
HJR 261, pages 660, 1181, 1213, 1298

GWIN, BOBBY R.

Commended—
HR 369, page 1098

GYMNASIUMS

Municipal public parks and recreation boards, defined as project of—
HB 686, pages 538, 607, 1164, 1682, 1731, 1934

HAIRSTON, WALTER, SR.

Commended—
HR 282, page 678

HALE COUNTY

County revenue commissioner, office of, created—
HB 803, pages 922, 1094, 1241, 1710, 1734, 1935

Timber lands, assessments for protection of—
HB 885, pages 1199, 1364, 1430, 1706, 1736, 1936

HALE MEMORIAL HOSPITAL

Accreditation, commended—
SJR 239, pages 1167, 1209

HALL, JULIAN W.

Death mourned—
HJR 266, pages 662, 1181, 1213, 1299

HAMILL, ROBERT G., II

Commended—
HR 390, page 1220

HAMMETT, SUSAN

Commended—
HR 293, page 795

HAMPTON, BEN

Commended—
HJR 137, pages 324, 370, 377, 380

HANDBALL COURTS

Municipal public parks and recreation boards, defined as project of—
HB 686, pages 538, 607, 1164, 1682, 1731, 1934

HANDICAPPED CHILDREN

Art education program for, appropriation for—
HB 701, page 563

HANDICAPPED PERSONS

In-home care of, tax deduction granted—
HB 108, page 25

HANK WILLIAMS MEMORIAL ASSOCIATION

Sales and use taxes, exempt—
HB 404, page 139

HANK WILLIAMS MEMORIAL COMMISSION

Abolished, new, created—
SB 357, pages 816, 816, 1687

HANSEN, MARY J.

Honoring—
HJR 437, page

HANSON, CLARENCE B., JR.

Death mourned—
HJR 213, pages 445, 515, 522, 533

HANSON, RUTH LAWSON

Death mourned—
HJR 142, pages 327, 370, 377, 380

HARASSING COMMUNICATIONS

Crime of, provided for—
HB 883, page 1199

HARASSMENT

Crime of, provided for—
HB 883, page 1199

HARDIN, ADDIE

Commended—
HR 279, page 677

HARPER, REP. TAYLOR

Commended—
HR 512, page 2047

HARRELL, JULIA AMANDA

Commended—
HR 442, page 1556

HARRIS, MR. AND MRS. ELMER

Commended—
HR 95, page 199

HARRISON, BEALIE

Commended—
HR 215, page 446

HASSELL, TERRI LYNN

Commended—
HR 114, page 257

HAYDEN

City of, boundaries altered—
HB 729, pages 611, 764, 890, 1705, 1734, 1935

HAYES, SHANA

Commended—
HR 246, page 569

HAZARDOUS MATERIALS

Discharge of, persons providing assistance, exempt from civil liability—
HB 230, pages 49, 435, 1588, 1589

Transporting of, through tunnels prohibited—
HB 871, pages 1196, 1362

HAZARDOUS WASTE

Management of, provided for—
HB 228, pages 49, 102

HAZARDOUS WASTE MANAGEMENT ACT OF 1978

Amended—
HB 228, pages 49, 102

Amended, operators, review of applications—
HB 378, page 134
HB 379, pages 134, 396

HEALTH

Coded date labeling, products to also display calendar date—
HB 90, page 22

Elderly persons, housing and care of, provided further for—
HB 73, pages 18, 101, 344, 526
SB 174, pages 593, 594, 607, 1170, 1210

Hazardous waste management act of 1978, amended—
HB 228, pages 49, 102
HB 378, page 134
HB 379, pages 134, 396

Hospitals, definition of, expanded, home health agencies included, advisory board expanded—
HB 320, pages 111, 242, 1286, 1288

Idiopathic scoliosis, testing of students for—
SB 411, page 1179

Mechanical sewage treatment plants to treat wastewater from homes provided for—
HB 766, page 767

Mental health services of clinical social workers to be included under hospital or medical insurance—
HB 750, pages 652, 1361
SB 491, pages 1348, 1349

Mental health services of counselors to be included under hospital or medical insurance—
HB 74, pages 19, 1361
SB 116, page 1347

Nursing, professional and practical, board of, regulated further—
HB 72, pages 18, 427, 782, 784, 1668, 1669, 1692, 1934
SB 96, pages 1083, 1085, 1360

Physicians liens provided for—
HB 146, pages 32, 428

Psychologists, licensing and practice of—
HB 856, page 1095

Sanitarians and sanitarians-in-training, registration of provided for—
HB 728, page 611

HEALTH (Continued)

Southeast Interstate low-level radioactive waste management compact, Alabama to conform with other states in—
HB 142, pages 32, 102, 345, 495, 1379, 1388, 1536

State board of chiropractic examiners, preceptorship and extern program established by—
HB 20, pages 8, 396, 809, 811, 1535, 1541, 1679
SB 9, pages 817, 817, 1381

State board of medical examiners, equivalent examinations, allowed to accept—
HB 767, pages 767, 1062, 1291

State health planning and development agency, advisory council for, provided for—
HB 722, pages 567, 607, 1313

Third party prescription program, exemptions—
HB 681, pages 480, 759, 1311, 1682, 1730, 1934

Water, sewer and fire protection authorities, revenues, bonds, rates of, criteria and terms, set and expanded—
HB 730, pages 611, 759
HB 758, pages 654, 760, 1075
SB 472, pages 1350, 1351, 1462

Waterworks boards serving four or more counties, board of directors membership increased—
HB 796, page 878

West Alabama district board of, fee schedule set by—
HB 660, page 439, 761

HEALTH CARE SERVICE PLANS

Rates, charges, fees and dues regulated—
HB 454, page 190

HEALTH DEPARTMENT

Soil percolation tests and soil borings, to establish a training program for—
HB 199, pages 42, 241, 1175
SB 129, pages 972, 972, 1544

HEALTH INSURANCE

Catastrophic, offering of, required—
HB 700, page 563

State educational institutions, uniform plan of, provided for employees and retired employees of—
HB 163, pages 36, 399, 633, 669, 675, 678, 685, 757, 1420, 1421, 1445, 1477, 1479, 1516, 1536, 1538

HEARING AID DEALERS AND FITTERS

License fees, permits, continuing education requirements—
HB 537, pages 289, 606, 1274

HEARN, DR. THOMAS K., JR.

Commended—
HJR 348, pages 1004, 1668, 1690, 1933

HEATING AND AIR CONDITIONING CONTRACTORS

Board of, appropriation provided—
HB 572, page 321

Board of, funds of, carry over into subsequent fiscal years—
HB 742, pages 613, 903

HELP ONE ANOTHER CLUB, INC. OF BIRMINGHAM

Sales and use taxes, exempt—
HB 500, page 246

HEMOGLOBINOPATHY

Sickle cell disorders and other, treatment program established—
HB 136, page 31

HENRY COUNTY

County revenue commissioner, office of, created—
HB 773, pages 874, 985, 1046, 1459, 1469, 1537

Pistol permit fee fixed—
HB 772, pages 874, 985, 1046, 1459, 1469, 1537

Selling and redeeming lands for taxes—
HB 335, pages 113, 281, 335, 1461, 1471, 1537

Tax assessor and tax collector, clerks for, appointment and compensation for—
HB 346, pages 116, 281, 336, 1461, 1471, 1537

HENRY E. HIGHAM AVIONICS BUILDING

Named—
HJR 40, pages 83, 91, 97, 122

HENRY, ROBERT F.

Jones bluff, lock and dam, named as—
SJR 28, pages 90, 91, 200

HENRYVILLE UNITED METHODIST CHURCH

100th anniversary, noted—
SJR 276, pages 1927, 1946

HENSON, MARIE

Commended—
HR 278, page 677

HENSON, REBECCA JEAN

Commended—
HR 413, page 1375

HERITAGE TRUST FUND

Appropriation for expenses of—
SB 331, pages 971, 971, 1030, 1174, 1210

HERITAGE TRUST INCOME ACCOUNT

Appropriation from, for administrative costs—
HB 242, pages 51, 100, 228
SB 270, pages 392, 426, 476, 501

HERMETZ, REV. HAROLD G.

Commended—
HJR 511, page 2045

HEWITT-TRUSSVILLE JUNIOR HIGH SCHOOL GIRLS VOLLEYBALL TEAM

Commended—
HJR 156, pages 354, 395, 401, 422

HIGH, JOHN

Commended—
HR 227, page 523

HIGHLAND AVENUE SCHOOL

Law awareness club, commended—
SJR 70, pages 297, 329

HIGHWAY CONSTRUCTION

Materials made by foreign governments, public agencies prohibited from purchasing for—
HB 853, page 1095

HIGHWAY SAFETY

Aircraft, landing of, on public highways or streets prohibited—
HB 355, pages 118, 437, 1314, 1315

Casting of light from motor vehicles onto real property at night, hours that constitute a nuisance—
HB 208, page 44

Mobile or modular homes, movement of, hours regulated on school days—
HB 52, pages 15, 163

Motor vehicles size and weight regulated—
HB 517, pages 250, 317, 345, 413, 420, 1531, 1532, 1542, 1679

Oversized loads, special permits for movement of—
HB 231, pages 49, 103, 1305, 1306, 1666, 1689, 1933

Red or blue lights restricted to emergency vehicles only—
HB 356, page 118

School buses, overtaking and passing prohibited—
SB 143, pages 969, 969, 1024

Trucks, certain, allowed access to all primary roads—
HB 153, page 34

HIRS, JAMES M.

Commended—
HJR 125, pages 284, 369, 376, 380

HOCKLANDER, JUDGE JOSEPH MONROE

Mourning the death of—
SJR 3, pages 87, 199

HOG CHOLERA

Eradication and control of—
HB 360, pages 119, 399, 809, 813

HOLIDAY OF THE CONFEDERACY

State holidays combined into—
HB 607, page 351

HOLLAND, MR. RED

Promotion of wildlife and conservation, commended—
SJR 177, pages 794, 864

HOLTVILLE HIGH SCHOOL BULLDOGS

Congratulated—
HJR 267, pages 663, 1181, 1213, 1299

HOLY FAMILY HIGH SCHOOL

Commended—
HR 323, page 931

HOLY FAMILY HIGH SCHOOL TORNADOES

Commended—
HR 179, page 388

HOME HEALTH AGENCIES

Hospitals, included in definition of—
HB 320, pages 111, 242, 1286, 1288

HOME OF GRACE FOR WOMEN, INC.

Congratulated—
HR 474, page 1702

HOMESTEAD EXEMPTIONS

Applications for, time for accepting—
SB 450, pages 1083, 1085, 1355

HOMEWOOD HIGH SCHOOL MARCHING BAND

Commended—
HJR 169, pages 363, 395, 402, 422

HORSE RACING

Birmingham, commission created—
HB 553, pages 292, 1101, 1186, 1393, 1408
HB 670, page 441

HOSPITAL ASSOCIATIONS

County directors, appointments and terms of—
HB 36, pages 11, 129, 345, 771, 772

HOSPITAL INSURANCE

Mental health services of clinical social workers to be included under—
HB 750, pages 652, 1361
SB 491, pages 1348, 1349

Mental health services of counselors to be included under—
HB 74, pages 19, 1361
SB 116, page 1347

HOSPITALS

Definition of, expanded, home health agencies included, advisory board expanded—
HB 320, pages 111, 242, 1286, 1288

Private, drugs sold to, exempt from gross sales tax—
HB 168, page 37

HOTEL PROJECTS

Municipally financed, lease of municipal property for, permitted—
HB 616, pages 390, 430, 939

HOUSE DISTRICTS 20 AND 21

Numbers reversed—
HB 741, pages 613, 763, 1307, 1308

HOUSE DISTRICTS 25 AND 26

Numbers reversed—
HB 922, pages 1378, 1384, 1561

HOUSE ELECTIONS

Set aside—
HR 68, page 142

HOUSING

Factory-built, certification and regulation of—
HB 317, pages 111, 243, 1273

Factory-built, certification of, provided for—
HB 212, pages 45, 1027

HOUSING FINANCE OPPORTUNITY ACT OF 1983

Congress urged to pass—
HJR 118, page 269

HOUSTON COUNTY

Board of education, expense allowance—
HB 890, pages 1201, 1364, 1441, 1706, 1737, 1936

Governor requested to petition president to declare as federal disaster area—
HJR 478, pages 1747, 1932

HOWARD, REV. ROBBIE

Commended—
HR 224, page 492

HUCKABY, R. D.

Commended—
HJR 462, page 1696
HR 506, page 1945

HUDGINS, ELMORE "SCOOP"

Honored—
HJR 38, pages 81, 186, 216, 234
HJR 198, pages 410, 514, 522, 533

HUDSON, REV. W. LAURENS

Commended—
HJR 430, pages 1415, 1667, 1693, 1934

HUGHES, LOUIS "GENE"

Commended—
HR 194, page 408

HUMPHRIES, DAVIS SMITH "SON"

Death mourned—
HJR 447, pages 1558, 1566, 1576, 1680

HUNTER EDUCATION COURSE

Requirements—
HB 143, pages 32, 398, 1164

HUNTING

Military personnel, on military installations, licenses—
HB 564, pages 320, 399

State archery license or stamp provided for—
HB 781, page 875

HUNTING LICENSES

Totally disabled persons provided—
HB 144, pages 32, 398, 1164
HB 303, pages 107, 243

HUNTSVILLE

City of, alcoholic beverages, Sunday sales permitted—
HB 872, page 1196
SB 554, pages 1496, 1548, 1714, 1715, 1718, 1741

City of, board of education, expense allowances—
HB 873, page 1196

City of, mayor and city council, election and terms of office—
SB 200, pages 1495, 1496, 1548

City of, municipal elections—
SB 497, pages 1233, 1235

City of, special school taxes increased—
SB 552, pages 1496, 1548, 1719, 1720, 1741

HURTSBORO

City of, commended—
SJR 16, pages 89, 200

IDIOPATHIC SCOLIOSIS

Testing for, of public school students—
SB 441, page 1179

ILLEGAL DRUGS

Seizures in drug-trafficking cases, distribution of proceeds from—
HB 161, page 36

IMITATION CONTROLLED SUBSTANCES

Crimes relating to, punishments set—
HB 265, pages 55, 1184
HB 341, page 115
SB 211, pages 1486, 1487, 1551

INCOME TAX

Check-off system for support of political parties—
HB 633, pages 404, 535, 1086
SB 209, pages 1661, 1685, 2069, 2070, 2076

Corporate, installment payments eliminated, estimated payment of, required—
HB 244, pages 51, 100, 230, 233, 259, 268, 1889, 1890, 1891, 1939, 2078

Military retirement pay, exempt from—
HB 664, page 440

INCORPORATION

Articles of, amending of, procedure changed—
HB 368, page 120

INDIAN AFFAIRS COMMISSION

Created—
HB 683, page 480
HB 813, pages 924, 1026, 1162, 1246, 1247

INDICTMENTS

Styling of, provided for—
HB 308, pages 109, 128, 780

INDIGENT PATIENTS

Cost of medical treatment of, responsibility for—
HB 643, pages 406, 426

INDUSTRIAL DEVELOPMENT ADVISORY BOARD

Abolished—
HB 23, page 9

INDUSTRIAL DEVELOPMENT AUTHORITY

Abolished—
HB 23, page 9

State, bonds, authorized to issue—
HB 895, pages 1202, 1353
SB 555, pages 1488, 1489, 1551

State, bonds, cigarette taxes reallocated to retire—
HB 903, pages 1204, 1354
SB 556, pages 1488, 1489, 1552

INDUSTRIAL DEVELOPMENT BOARDS

Municipal, linen rental services, permitted to provide projects for—
HB 130, pages 29, 314, 383, 952, 953, 973
SB 49, pages 592, 763

INDUSTRIAL DEVELOPMENT COMMITTEE

Abolished—
HB 23, page 9

INDUSTRIAL PARKS

Municipalities authorized to enter into binding option agreements with respect to—
SB 431, pages 1082, 1083, 1545

INDUSTRIAL RELATIONS

Law enforcement officers of, retention of badges and pistols upon retirement—
HB 724, pages 610, 760, 1318, 1330

INDUSTRIAL RELATIONS DEPARTMENT

Advisory council chairman, choosing of—
HB 667, page 441

INGLE, D. C.

Commended—
HJR 462, page 1696
HR 506, page 1945

INGRAM, CHARLES L. "LOU"

Death mourned—
HR 33, page 78

INGRAM, ELOISE

Commended—
HR 526, page 2062

IN-HOME CARE

Mentally or physically handicapped persons, of, tax deduction granted—
HB 108, page 25

INITIATIVE REFERENDUM

Provided for—
HB 634, page 404

INMATES

Confiscation of income of—
HB 134, pages 30, 239, 344, 800

INSANE PERSONS

In custody for criminal acts, notification and hearing procedures prior to release of—
HB 254, page 53

INSANITY

Not a defense in criminal charges—
HB 76, page 19

INSANITY DEFENSE

Burden of proof lies with defendant—
HB 269, pages 56, 128, 773

IN-STATE TRAVEL

State business, per diem and mileage allowance—
HB 302, page 107
SB 69, pages 1179, 1354, 1589, 1694

INSTRUCTIONAL MATERIALS AND SUPPLY FUNDS

Budget in each school developed for expenditure—
HB 381, pages 135, 1026
SB 233, pages 1082, 1083, 1355, 1586, 1588, 1667, 1694

INSURANCE

Domestic life, disability and burial, investment in oil and gas properties limited—
HB 224, pages 48, 163, 620, 1675, 1676, 1693, 1934
SB 38, pages 592, 594, 764, 1276, 1443

Fire losses, fire marshal, law enforcement agencies and insurance companies to share information regarding—
HB 417, pages 141, 242

Foreign insurers, taxes paid by, deductions—
HB 840, pages 1032, 1305

Group health, mental, emotional or nervous disorders, drug or alcohol dependence, required to cover—
HB 629, page 403

Health, catastrophic coverage, offering of, required—
HB 700, page 563

Health, officers and employees of counties and municipalities, those covered, clarified—
HB 661, pages 439, 760, 1147, 1150
SB 404, pages 1491, 1543

INSURANCE (Continued)

Health, public education employees health insurance plan provided—
HB 163, pages 36, 399, 633, 669, 675, 678, 685, 757, 1420, 1421, 1445, 1476, 1479, 1516, 1536, 1538

Hospital and health, state department of mental health allowed to purchase for mental patients in state institutions—
HB 107

Hospital or medical, mental health services of clinical social workers, to be included under—
HB 750, pages 652, 1361
SB 491, pages 1348, 1349

Hospital or medical, mental health services of counselors to be included under—
HB 74, pages 19, 1361
SB 116, page 1347

Motor vehicle, minimum amount of liability required, increased—
HB 901, pages 1204, 1358

Senior citizens, rates reduced upon completion of motor accident prevention courses—
HB 806, page 923

State employees, board, membership provided for—
HB 461, pages 192, 429, 1117

State employees covered for wrongful acts or omissions by liability—
HB 211, page 45
SB 109, pages 970, 971, 1025, 1275, 1443, 1687

State employees insurance board, state employee members of, provided for—
HB 191, pages 41, 129, 1276, 1660, 1689, 1933
SB 248, pages 1178, 1357

Uniform plan of health, for employees of educational institutions provided—
HB 576, page 322

INSURANCE COMPANIES

Fees or charges as a prerequisite for purchase of insurance, penalties provided—
HB 684, page 480

Investments of, American insurance stocks—
SB 285, pages 981, 981, 1026

Investments of, common and capital stocks of American or foreign corporations—
SB 284, pages 981, 981, 1027

Investments of, prohibited investments—
SB 286, pages 981, 981, 1026

INTERIM COMMISSION ON ELEMENTARY AND SECONDARY SCIENCE AND MATHEMATICS

Commended—
HJR 465, page 1698

INTERIM COMMITTEE ON THE MEDICAID AGENCY

Medicaid agency rules on regulations to be approved by—
HB 657, page 439

INTERNATIONAL PAPER COMPANY

Erling Riis laboratory, employees of, encouraged—
SJR 36, pages 233, 326

INTERSTATE 65

Montgomery to Mobile, emergency telephone call boxes installed along—
HB 133, pages 30, 313, 806, 807, 1566, 1575, 1679

INTERSTATE MOTOR CARRIERS

Bonding requirements—
HB 375, pages 134, 236, 345, 805

Trip permits, cab cards, temporary trip permits—
HB 376, pages 134, 236, 345, 805

INTESTATES ESTATES

Order of preference in the right to administer—
HB 894, pages 1202, 1357
SB 540, pages 1487, 1489, 1550

INVENTORY

Submission of, to state auditor, regulated—
SB 447, pages 1178, 1179, 1358

ISABELLA HIGH SCHOOL MUSTANGS

Commended—
HJR 208, pages 438, 515, 522, 533

ISPHORDING, DR. WAYNE

Commended—
HR 391, page 1220

JACKSON COUNTY

Coal severance tax distributed—
HB 221, pages 47, 317, 367, 1683, 1728, 1934

County commission, election at large provided for chairman and by district for commissioners—
HB 460, page 192

County revenue commissioner to assess and collect taxes—
HB 218, pages 46, 984, 1044, 1682, 1728, 1934

Fire districts authorized—
HB 223, pages 47, 106, 203, 1708, 1737, 1935

Fire protection tax levied—
HB 316, pages 110, 182, 274, 1683, 1728, 1934

Tax collector and probate judge reimbursed for monetary loss due to errors or mistakes—
HB 222, pages 47, 984, 1045, 1046, 1925, 1926, 1938, 2078

JACKSON COUNTY (Continued)

Tennessee valley authority payments, portion of, used for legislative office—
HB 220, pages 47, 106, 203, 1683, 1728, 1934

JACKSON, JESSE

Invited to address joint session—
HJR 176, pages 384, 395, 402, 423

JACKSON, LILLIE

Commended—
HR 272, page 677

JACKSONVILLE STATE UNIVERSITY

Baseball team, commended—
HJR 104, pages 251, 369, 375, 380

Basketball team, commended—
HJR 85, pages 167, 232, 233, 279

Commended—
HJR 148, pages 332, 370, 377, 380

JAMES, GARY M.

Commended—
HR 491, page 1943

JEFFERSON COUNTY

Alcoholic beverages, Sunday sales authorized—
HB 349, page 116

Assistant sheriff, compensation prescribed—
HB 324, pages 112, 347, 491, 571, 572
SB 91, pages 824, 825, 872, 936, 1031

Bluff park fire district board of trustees, election of—
HB 531, page 288

Board of education, urged to enter sailing race—
HJR 62, pages 121, 422, 437, 474

Board of equalization and adjustments, associate members of, additional expense allowance—
HB 293, pages 60, 314, 616

Board of equalization and adjustments, compensation of—
HB 84, pages 20, 346, 437, 902, 939, 1578, 1579, 1594, 1680
HB 795, page 878

Chief deputy sheriff, office of, regulated—
HB 530, pages 287, 435, 572, 1670, 1693, 1934

Civic center authority board members, method of selection—
HB 312, pages 109, 347, 452, 570

JEFFERSON COUNTY (Continued)

Civil defense agency, additional funds—
HB 858, page 1096
HB 920, page 1377

Corneal tissues for transplantation, removal of, regulated—
SB 451, pages 825, 825, 1547

Employee vacation leave—
HB 406, pages 139, 436, 573

Fish, taking of, regulated—
HB 721, pages 567, 872, 936, 1191, 1222, 1299
SB 474, pages 1232, 1235, 1366, 1437, 1474

In county telephone calls to be billed as local service—
HB 593; pages 349, 436, 575

Indigent medical care authority created—
HB 809, page 923

Municipal incorporation in, restrictions deleted—
HB 234, pages 50, 130, 1274, 1275

Probate judge, assistant serving branch office in Bessemer, appointment, duties and compensation of—
HB 851, pages 1035, 1186, 1423

Sewer improvement districts created—
HB 792, pages 877, 904

Sheriff, executive assistant, authorized to employ—
HB 85, pages 21, 346, 569, 1527, 1541, 1679

Sheriffs department, requested to use drug detection dogs—
HJR 56, page 98
HR 381, page 1212
HR 412, page 1373

Sheriffs office personnel, compensation incentive for—
HB 654, pages 408, 1186, 1421

Superintendent of education, election of provided for—
HB 620, page 391

Vacation change amendment act—
HB 834, pages 993, 1186, 1423

Weeds, noxious or dangerous, county commission given authority to declare a public nuisance—
HB 732, pages 612, 1186, 1422

Wharves and wharf facilities within 25 mile radius, allowed to acquire—
SB 516, pages 1233, 1235

JEFFERSON COUNTY COMMITTEE FOR ECONOMIC OPPORTUNITY

Commended—
HR 112, page 256

JEFFERSON STATE JUNIOR COLLEGE

Neal Colonial center, newly constructed center, named as—
SJR 77, pages 485, 524

JEWISH COMMUNITY

Payed tribute—
SJR 318, pages 1928, 1946

JIM FULLER DAY

Designated—
HJR 55, pages 98, 186, 216, 234

JOHNSON, HARVEY

Commended—
HR 444, page 1557

JOHNSON, JOSIE

Commended—
HR 271, page 677

JOHNSON, MR. AND MRS. MANUEL

Commended—
HR 200, page 411

JOHNSON, WILLIE

Commended—
HR 273, page 677

JOINT COMMISSION ON ACCREDITATION OF HOSPITALS

Commended—
HJR 310, pages 924, 951, 957, 1090
HJR 313, pages 926, 952, 957, 1090
HJR 326, pages 932, 952, 957, 1091
HJR 327, pages 944, 952, 958, 1091
HJR 332, pages 974, 1667, 1690, 1933
HJR 334, pages 976, 1667, 1690, 1933
HJR 337, pages 978, 1668, 1690, 1933
HJR 346, pages 998, 1668, 1690, 1933

JOINT COMMITTEES

Nuclear energy activities and hazardous chemical toxic waste oversight, reporting date extended—
HJR 102, pages 236, 473, 477, 533

Oil and gas study, permanent, created—
HJR 394, pages 1223, 1692
SJR 256, pages 1751, 1752, 1753, 1945

Retirement systems, teachers and employees, to oversee, established—
HJR 290, pages 785, 871, 884, 899
HJR 333, pages 975, 1239, 1269, 1299
SJR 56, page 264

JOINT INTERIM COMMITTEES

Constitutional revision, created—
SJR 5, pages 265, 326

Dauphin Island, purchase of a portion of study, created—
HJR 355, page 1035
HJR 361, page 1039

Fiscal responsibility investigative, created—
HJR 9, page 64

Fort Toulouse—fort Jackson, created—
SJR 259, pages 1238, 1692, 2052

Health care, rising cost of, created—
HJR 524, page 2061
HR 525, page 2062

Legal drinking age, study for standardizing, created—
HJR 347, pages 1002, 1705

Medicaid, continued by Act 79-816, two members added—
HJR 234, page 558

Medicaid costs, health programs and impact of block grants, created—
HJR 42, page 85

Municipal government, continued and reorganized—
HJR 441, pages 1554, 1722

Reapportionment, state comptroller urged to pay all outstanding expenses—
HJR 477, pages 1730, 2053

Tele-communication system for the state, to study the feasibility of creating, created—
HJR 516, page 2048

Two-year colleges study, created—
HJR 84, pages 167, 168

Vocational education study, created—
HJR 8, pages 63, 231, 232, 279

Welfare policies and procedures study, created—
HJR 41, page 84

JOINT SESSION

April 26, held—
HJR 47, pages 93, 122, 124, 125, 159

Governors message, held to hear—
HJR 3, pages 4, 82, 96, 122

JONES, LADDI

Commended—
HJR 407, pages 1370, 1455, 1457, 1536

JONES LAW INSTITUTE

Bar exam, graduates of, allowed to take—
SB 278, pages 1080, 1185

JONES, ROBERT E. "BOB"

Bridge on highway 35, named as—
SJR 176, pages 794, 864

JOURNALS

House and senate, to be distributed to county law libraries—
HB 369, pages 132, 216

JUDGES

Municipal court service may be counted toward retirement as circuit—
HB 774, page 874
SB 483, pages 1083, 1688

JUDICIAL CIRCUITS

Calhoun and Cleburne counties to constitute separate—
HB 558, pages 319, 1353

Coosa and Clay counties to constitute separate—
HB 559, page 319

Fifteenth, appropriation provided for additional circuit judgeship—
HB 326, page 112

Fifteenth, district attorneys investigators, office abolished—
HB 784, page 876

Fourteenth, district attorneys investigators, powers and authority of—
HB 865, pages 1195, 1363, 1426

Fourteenth, felony investigator for district attorney, office created—
HB 892, pages 1201, 1364, 1431

Minimum state penitentiary population, public defender in, appointment and election of—
HB 601, pages 351, 903, 1441, 1446

Thirteenth, department of investigation and recovery, administrative secretary, circuit judge to select and appoint—
HB 636, pages 404, 436, 484, 1191, 1221, 1299

Thirty-seventh, defendant in criminal case entering guilty plea waives right to arraignment at which he is present—
SB 489, pages 967, 968, 1185, 1419, 1475

Thirty-seventh, orders and judgments of judges of, preservation of—
SB 490, pages 967, 968, 1185, 1421, 1475

Twenty-first, district attorney, additional expense allowance—
SB 477, pages 967, 968

JUDICIAL RETIREMENT FUND

Constables eligible for—
HB 273, page 56

JUDICIAL RETIREMENT SYSTEM

Credit to, of withdrawn service time from teachers and employees retirement system, provided for—
HB 682, pages 480, 1353

Judges application for retirement based on mental or physical disability, medical board to make recommendations to chief justice—
HB 467, page 193

Service as a municipal court judge may be counted toward retirement as a circuit judge—
HB 774, page 874
SB 483, pages 1083, 1688

JUDICIAL TRAINING AND EDUCATION FUND

Fees and costs in circuit and district courts, distribution of, to, enhanced—
HB 261, page 54
HB 340, pages 115, 125, 208, 216, 220, 1899, 1907, 1939, 2078

JUNIOR COLLEGE CLASSES

Persons sixty-five and older, allowed to attend tuition free—
HB 319, page 111

JUNIOR COLLEGES

Community and technical colleges, board of trustees for—
HB 493, pages 199, 243, 270, 273, 309, 338, 339, 340

Location of, subject to approval of the legislature—
HB 409, pages 140, 242

JURIES AND JURORS

Jurors in probate court compensated same as jurors in circuit court—
HB 854, page 1095

Mileage allowance, abolished, loss of pay from employer while serving, prohibited—
HB 466, pages 193, 433, 1295, 1297

JURY COMMISSIONS

Clerks and clerical assistance, appointment and compensation—
HB 468, pages 193, 433, 1160
SB 373, pages 816, 816, 976, 1023, 1156, 1160, 1315, 1445

JURY TRIAL

State allowed to have, in felony cases where right has been waived—
HB 274, pages 56, 1383

JUVENILE COURT JURISDICTION

Provided for—
HB 348, page 116

JUVENILE COURT REFEREE

Delegation of authority to—
HB 868, pages 1195, 1358, 1572, 1573

JUVENILE COURTS

Jurisdiction transfer of cases, delinquent act defined—
HB 295, pages 60, 1382

KAPPA DELTA SORORITY

Commended—
HR 185, page 389

KATE DUNCAN SMITH DAR HIGH SCHOOL

Basketball team, commended—
HR 52, page 96

KELLEY, OZEMA

Commended—
HJR 18, pages 72, 132, 143, 159

KELLY, YULA M.

Congratulated—
HR 402, page 1367

KEITH HIGH SCHOOL

Commended—
HJR 76, pages 148, 232, 233, 279

KENNEDY, YVONNE

Congratulated—
HJR 10, pages 65, 185, 215, 234

KIDNAPPING

Parental, interference with custody, penalty changed to a felony—
HB 214, pages 45, 127, 781, 1497, 1516, 1537
SB 517, page 1344

KINDERGARTEN PROGRAM

Teacher units lost due to decrease in attendance, transferred to—
HB 662, page 440
SB 42, pages 821, 822, 1552, 1923, 1924, 1932, 1945

KINDERGARTENS

Public, dog track operations, 10% gross receipts tax for, support of, levied on—
HB 351, page 117
HB 352, page 118

Public schools and public elementary schools, terms to include—
HB 714, page 566

KING, JOHN ZED

Commended—
HJR 324, pages 931, 952, 957, 1091

KING, MARTIN LUTHER, JR.

Birthday of, observed as a state holiday—
HB 602, page 351
HB 603, page 351

KING, MARY ALLEN

Honoring—
HR 322, page 931

KITTRELL, STEVE

Commended—
HJR 301, pages 882, 1182, 1214, 1299

KNOX, JOHN A.

Commended—
HR 216, page 446

KOHR, DR. ROSEMARIE

Recognized—
HR 414, page 1375

LABOR

Commissioner of, procedures to aid workers adversely affected by closing of industry—
HB 126, pages 28, 129, 1117, 1524, 1526, 1541, 1679

LABOR UNREST OR VIOLENCE

Criminal offenses relating to, classified—
HB 137, pages 31, 394

LACKEY, R. JULIAN

Death mourned—
HJR 113, pages 256, 369, 376, 380
SJR 61, pages 267, 326

LAMAR COUNTY

County commission, disposal of property under control of—
HB 678, pages 479, 537, 578

County commission to serve on a full time basis, expense allowance—
HB 554, pages 318, 346, 452, 1709, 1733, 1935

Legislative delegation office, established—
HB 753, pages 652, 764, 891, 1710, 1734, 1935

LAND SURVEYING AND ENGINEERING SERVICES

Mechanics and materialmens lien, included under—
HB 540, pages 289, 315

LANDS SOLD FOR TAXES

When lands not liable for, recovery of costs, charges and expenses of clearing title—
HB 188, page 41

LANDSCAPE ARCHITECTS

Board of examiners of, continued—
HB 365, pages 119, 239, 386, 582, 588, 595

LANG, BYRON

Death mourned—
HR 191, page 390

LANG, WILLIAM H., III

Commended—
HJR 197, pages 410, 645, 658, 825

LANHAM, DR. BEN T., JR.

Death mourned—
SJR 30, pages 90, 91, 200

LAUDERDALE COUNTY

Lands, selling and redeeming of, for taxes—
HB 804, pages 922, 1185, 1416

Legislative office authorized—
HB 127, pages 28, 104, 152, 302, 308, 342

LAUNDRY MACHINES

Coin operated, excluded from vending machine tax—
HB 708, pages 565, 761, 896

LAW AWARENESS CLUB

Highland avenue school, commended and requested to appear before the legislature—
SJR 70, pages 297, 329

LAW ENFORCEMENT OFFICERS

Attorney generals investigators, authority and powers of, prescribed—
HB 104, page 24

Citizens review board for, county and municipal governments to create—
HB 171, page 37

Industrial relations, of department of, retention of badges and pistols upon retirement—
HB 724, pages 610, 760, 1318, 1330

LAW LIBRARIES

County, house and senate journals to be distributed to—
HB 369, pages 132, 316

LAWRENCE COUNTY

Special recording fee, provided for—
HB 504, pages 247, 346, 450, 1461, 1471, 1537

T.V.A. in-lieu-of payments, distributed—
HB 689, pages 539, 556, 618, 1458, 1468, 1537

LAWRENCE COUNTY HOSPITAL

Accreditation, congratulated—
SJR 220, pages 1078, 1211

LAWYERS

License taxes for, in practice less than two years—
HB 81, pages 20, 315

LEASH LAW

Class 5 municipalities, referendum held on—
SB 245, pages 592, 763, 896, 905

LEE, BYRON

Death mourned—
SJR 11, pages 88, 89, 200

LEE COUNTY

Board of education, election of—
HB 507, pages 247, 400, 572, 886, 1684, 1729, 1934

Draft beer, legalized—
HB 511, pages 248, 400, 455, 1684, 1729, 1934

Forest lands, assessment levied for protection of—
HB 749, pages 652, 764, 891, 1319, 1336, 1379

Mobile home registration fees, distributed—
HB 889, pages 1200, 1364, 1431
SB 547, pages 1494, 1495, 1552, 1718, 1741

LEGAL AGE

Alcoholic beverages, for purchase or consumption, raised—
HB 18, page 8
HB 283, pages 58, 604, 940, 944, 959, 960, 962, 963, 964, 965, 999, 1001, 1002

LEGAL EXPENSE INSURANCE

Relating to—
HB 648, pages 407, 762, 1291, 1293

LEGAL SERVICES INSURANCE CORPORATIONS

Relating to—
HB 648, pages 407, 762, 1291, 1293

LEGISLATIVE ACTS AND JOURNALS

Printing of—
HB 495, pages 245, 316, 801
SB 306, pages 822, 822, 904, 1010, 1023

LEGISLATIVE EMPLOYEES

Finance and taxation and ways and means committees, provided for—
SB 189, pages 968, 968, 1354, 2069, 2076

LEGISLATIVE INTENT

Relative to HB 250—
HJR 67, page 131

LEGISLATIVE REAPPORTIONMENT LAW

Repealed—
HB 358, page 118

LEGISLATIVE REDISTRICTING PLAN

Election laws, temporary changes made in, to implement—
HB 546, page 291
HB 599, page 350

LEGISLATURE

Act No. 595, 1978 regular session, intent, relative to—
HR 411, page 1372

Alabama supreme court, mandatory continuing legal education, urged to exempt legislature—
HJR 108, pages 253, 293, 304, 312, 462

Alternative provided for failure to adopt appropriations and financial plans—
HB 428, page 166

Appropriation, additional provided—
HB 752, pages 652, 759, 872
SB 484, pages 899, 899, 903, 1010, 1023

Arts and humanities, joint interim committee, created—
SJR 47, pages 448, 532

Ashmore, Stephanie Kay, invited to appear before—
HJR 349, page 1005

Attorney generals salary, to set—
HR 251, page 52

Battles, Pam, invited to appear before—
HJR 350, page 1005

Biennial and special sessions of, regulated—
HB 193, pages 41, 100

Biennial sessions, provided for—
HB 192, pages 41, 100
HB 193, pages 41, 100

Budget sessions, even numbered years, limited to—
HB 207, pages 44, 315

Committees, standing, required to meet at capitol—
HR 433, pages 1480, 1481

Cranston, senator Alan, invited to address—
HJR 283, pages 770, 800, 833, 899

Jackson, Jesse, invited to address—
HJR 176, pages 384, 395, 402, 423

Joint rules, amended—
SJR 146, pages 792, 793

Meeting days—
SJR 233, pages 1057, 1093

LEGISLATURE (Continued)

Public funds, to appropriate all—
HB 541, page 290

LEHR, LEWIS

Invited to address legislature—
HJR 139, pages 325, 370, 371, 379

LENDERS OF MONEY

Bad check charges by, not restricted—
HB 656, pages 438, 905

LETHAL INJECTION

Execution by, provided—
HB 433, page 166

LEWIS, REPRESENTATIVE DUANE

Commended—
HR 501, page 1944
HJR 528, pages 2063, 2074, 2077, 2079

LEWIS, MALCOLM E.

Commended—
HR 304, page 884

LIBRARIES

Confidentiality of circulation and registration records—
SB 322, pages 814, 1026, 1313, 1474

Taxes, special property, for, by cities and counties—
SB 323, pages 1487, 1489, 1545

LICENSE PLATES

Constables, distinctive, provided for—
HB 113, pages 26, 130

Destruction of, required when vehicle scrapped or destroyed—
HB 743, page 614

Firefighters, distinctive, cost of—
SB 393, page 1490

LICENSE TAGS

Expired, traffic infractions—
HB 471, pages 194, 433

Motor vehicle, front tags required—
HB 397, page 138

National guard, retired, free distinctive, provided—
HB 399, page 138

LIENS

Physicians, provided for—
HB 146, pages 32, 428

LIFE WITHOUT PAROLE

Death sentence commuted by governor, inmate to serve—
HB 175, page 38
HB 298, pages 61, 128, 631

LIGHTING AND ILLUMINATING DEVICES

Motor vehicles required during inclement weather—
HB 91, page 22
HB 169, pages 37, 245
HB 447, page 189

LIMESTONE

Severance tax, levied on—
HB 588, page 348

LIMESTONE COUNTY

Athens, city of, county superintendent of and board of education, residents of, prohibited from voting for—
SB 546, pages 1493, 1495, 1546, 1712, 1740

Criminal rehabilitation, provided for—
HB 639, pages 405, 431, 481, 1456, 1463, 1536

Pistol permit fees, provided further for—
HB 181, pages 39, 131, 205, 580, 586, 594

Roads damaged due to state prison construction, highway department urged to repair—
HR 409, pages 140, 242

Special recording fees, distributed—
HB 641, pages 406, 431, 482, 1458, 1471, 1537

T.v.a. payments, distributed—
HB 640, pages 405, 431, 481, 1456, 1463, 1536

LIMESTONE COUNTY PRISON FACILITY

Board of corrections and governor urged to delay opening bids or awarding contracts—
HR 410, page 1372

LIMITED PARTNERSHIPS

Laws revised—
HB 196, pages 42, 237, 1307, 1308
SB 127, pages 593, 594, 762, 1307, 1444

LINEN RENTAL SERVICES

Municipal industrial development boards permitted to provide projects for—
HB 130, pages 29, 314, 383, 952, 953, 973
SB 49, pages 592, 763

Municipalities permitted to provide projects for—
HB 129, pages 29, 314, 382, 952, 953, 973
SB 50, pages 592, 763

LITTERING

Criminal offense of, provided for—
HB 8, pages 7, 435
HB 202, page 43

Criminal, penalties increased—
HB 786, page 876

LIVESTOCK DEALERS

Bonding of, requirements—
HB 585, pages 348, 398, 1274

LOACHAPOKA HIGH SCHOOL INDIANS

Commended—
SJR 34, pages 90, 91, 200

LOANS

License fees for persons making certain, altered and distributed—
HB 509, pages 248, 608, 1171, 1174, 1899, 1940, 2078

Persons making, bad checks charges by, not restricted—
HB 656, pages 438, 905

LONGEVITY PAY

State employees, provided—
HB 177, page 38

LONG-TERM CARE OMBUDSMAN ACT

Established—
HB 505, page 247

LOTTERIES

Alabama bureau of, established—
HB 1, page 5
HB 2, page 6

Legislative lottery oversight committee, established—
HB 1, page 5
HB 2, page 6

LOUNGE RETAIL LICENSES

Consent of municipality, required to obtain—
HB 445, pages 189, 244

LOVE, WAYNE

Family of, appreciation expressed—
HJR 134, pages 306, 369, 376, 380

Memory, honored—
SJR 103, pages 486, 487, 524

LOW COST HOUSING

Ad valorem tax exemptions for nonprofit corporations providing to elderly and handicapped—
SB 470, pages 1486, 1487

LOW INCOME HOUSING

Moderate income, persons of, defined—
SB 183, pages 1081, 1361

LOWERY, MR. AND MRS. CHARLES CICERO

Commended—
HR 470, page 1701

LOWNDES COUNTY

Beer tax, distributed—
SB 360, pages 488, 489, 650, 889, 905

Public law library, costs for support of—
HB 448, pages 189, 400, 454
SB 223, pages 296, 297, 401, 458, 524

Racing commission, created—
HB 808, pages 923, 1028

Tax assessor and tax collector, clerical assistance, provided for—
HB 780, pages 875, 1028, 1104

LYMAN WARD MILITARY ACADEMY

Appropriation provided—
HB 241, pages 51, 761, 870, 871, 1683, 1728, 1934

MCCARTY, ROGER GENE

Commended—
HR 353, page 1010

MCCORD, LARRY

Family, commended—
HR 328, page 962

MCGEE, JUDGE VAL L.

Commended—
HJR 422, pages 1410, 1667, 1691, 1934

MCGILL, BARRON H.

Commended—
HJR 135, pages 310, 370, 376, 380

MCGRAW, JAMES CARROLL

Honored—
HJR 79, pages 149, 278, 280, 312

MCGRAW, SANDRA ALFORD

Commended—
HJR 109, pages 254, 369, 375, 380

MCKINNEY, BETH

Commended—
HR 459, page 1616

MCKINZEY, COACH MAC

Tuscaloosa county high school, gymnasium, named—
SJR 178, pages 794, 864

MCLENDON, CLYDE P.

Service to Alabama, appreciated and sympathy to his family, extended—
SJR 124, pages 791, 863

MCMILLAN, MR. CHARLES STEVEN

Commended—
SJR 10, pages 88, 299, 329

MACON COUNTY

Board of registrars, county insurance program, to be included under—
HB 836, pages 994, 1030, 1110, 1707, 1735, 1935

Circuit clerk, additional expense allowance—
HB 837, pages 994, 1030, 1111, 1707, 1735, 1935

Coroner, expense allowance—
HB 838, pages 994, 1030, 1111, 1707, 1735, 1935

Daniel "Chappie" James aerospace memorial, bonds issued for, authorized—
HB 845, pages 1033, 1094, 1417, 1708, 1737, 1935

Racing commission created—
HB 484, pages 197, 245, 302, 687, 1182, 1212, 1298
HB 763, page 655

MADISON COUNTY

Beer tax distributed—
HB 499, page 246
SB 329, pages 113, 163, 1311

Board of education, compensation of—
HB 909, page 1205

Circuit clerk, compensation of—
HB 908

Coroner, salary of—
HB 907, page 1205

County commission chairman, salary of—
HB 913, page 1206

County commission expense allowances—
HB 911, page 1206

County commission, salaries of—
HB 910, page 1206

District attorneys office, special services division created—
HB 760, pages 654, 765, 983, 1191, 1222, 1299

MADISON COUNTY (Continued)

Excise and privilege license taxes levied—
SB 560, pages 1663, 1665, 1686

Legislative delegation office, T.V.A. in-lieu-of payments reallocated to fund—
HB 542, pages 290, 347, 454
SB 272, pages 421, 422, 765, 893, 933, 1031

Probate judges salary—
HB 912, page 1206

Racing commission created—
HB 488, pages 197, 317, 366, 368, 370, 371, 687

Sheriff, compensation increased—
HB 914, page 1206

Taxes, franchise, excise and privilege, levied—
HB 921, page 1377

MADISON COUNTY COMMISSION

Combating drunk driver problem commended—
SJR 8, pages 87, 88, 300, 328

MADISON COUNTY DELEGATION

Commended—
HJR 105, pages 252, 369, 375, 380

MADISON COUNTY ELECTED OFFICIALS STUDY COMMISSION

Commended—
HJR 268, pages 664, 1182, 1213, 1299

MADISON COUNTY TAX DISTRIBUTION STUDY COMMITTEE

Created—
HJR 210, pages 443, 1181, 1213, 1298

MANAGEMENT WEEK

June 5-11, 1983, supported—
HJR 201, pages 412, 515, 522, 533

MANLEY, REPRESENTATIVE RICK

Commended—
HJR 453, pages 1581, 1666, 1691, 1934

MAPES, WILLIAM A.

Death mourned—
HR 490, page 1943

MARENGO COUNTY

Property tax, additional levied—
HB 906, pages 1205, 1365, 1435, 1707, 1738, 1935

Revenue commissioner, office of, created—
HB 904, pages 1204, 1365, 1434, 1706, 1737, 1936

MARINE RESOURCES

Oyster collection, commercial versus non-commercial—
HB 68, pages 17, 243, 345, 804, 805

Seafood law violations, maximum fine increased—
HB 67, pages 17, 1361

Seafoods advisory board established—
HB 66, pages 17, 1027

MARINE RESOURCES LICENSES

Dealer/processor license created—
HB 62, pages 17, 243

Expiration date set—
HB 61, pages 16, 243

MARION COUNTY

County governing body, expense allowance provided—
HB 95, pages 22, 130, 204, 828, 828, 899

MARION MILITARY INSTITUTE

Appropriation provided—
HB 240, pages 51, 761, 870, 1682, 1728, 1934

Barfield, major general Thomas H., commended—
SJR 45, pages 266, 326

"MARK UP"

Alcoholic beverages, percentage of, to general fund—
HB 248, pages 52, 100, 170, 1099, 1100, 1104, 1180

MARSHALL COUNTY

County commissioners to serve full time—
HB 816, pages 989, 1029, 1105, 1106, 1682, 1731, 1935

Forest lands, assessments for protection of—
HB 861, pages 1194, 1363, 1424, 1706, 1736, 1935
HB 862, pages 1194, 1363, 1425, 1706, 1738, 1935

T.V.A. in-lieu-of taxes payments distributed—
HB 860, pages 1194, 1362, 1424, 1706, 1736, 1935

Venue, change of in criminal and civil trials—
HB 521, pages 285, 317, 365, 1190, 1221, 1299

MARSHALL COUNTY POULTRY GROWERS

Commended—
HR 219, page 461

MARTIN-ALDRIDGE ACT

Named—
HJR 522, pages 2061, 2074, 2077, 2079

MARTIN, BOBBY

Commended—
HR 178, page 388

MARTIN-CARVER SCHOOL ASSOCIATION

Ad valorem taxation, exempt—
HB 503, page 246

MARTIN, JASON BRANTLEY

Commended—
HR 339, page 979

MARTIN LUTHER KING, JR.

Birthday of, observed as a state holiday—
HB 602, page 351
HB 603, page 351

MARTIN, MARVIN TODD

Commended—
HR 451, page 1560

MASTERS, BRIAN

Commended—
HJR 99, pages 202, 369, 375, 379

MAYFAIR TOWERS, INC.

Ad valorem taxes, exempt—
HB 586, page 348

MAYOR-COUNCIL FORM OF GOVERNMENT

Municipalities electing to change to, procedure established for—
HB 812, pages 924, 1028

MECHANICAL SEWAGE TREATMENT PLANTS

Wastewater from homes, to treat, provided for—
HB 766, page 767

MECHANICS AND MATERIALMENS LIEN

Land surveying and engineering services included under—
HB 540, pages 289, 315

MEDICAID AGENCY

Rules or regulations of, to be aproved by the standing interim committee on the—
HB 657, page 439

MEDICAL ASSOCIATION OF THE STATE OF ALABAMA

Commended—
HJR 396, pages 1225, 1668, 1691, 1933

MEDICAL CLINIC BOARDS

Elderly, housing and care of, definitions, purpose of broadened—
HB 73, pages 18, 101, 344, 526
SB 174, pages 593, 594, 607, 1170, 1210

Leasehold property interest of, subject to ad valorem taxation—
HB 710, page 565

MEDICAL EXAMINERS

State board of, allowed to use the federation licensing examination—
HB 716, pages 566, 606

State board of, equivalent examinations, allowed to accept—
HB 767, pages 767, 1026, 1291

MENTAL CONDITION

Not a defense in criminal charges—
HB 76, page 19

MENTAL HEALTH

Department of, redesignated as the department of mental health and mental retardation—
HB 440, pages 188, 427
SB 297, pages 1081, 1082, 1384

State department of, hospital and health insurance, allowed to purchase for mental patients in state institutions—
HB 107, page 24

MENTAL HEALTH AND MENTAL RETARDATION

Department of mental health designated as—
HB 440, pages 188, 427
SB 297, pages 1081, 1082, 1384

MENTAL HEALTH FACILITIES

State, superintendents or physicians of, permitting depositions to be taken of, by state—
HB 270, page 56
SB 107, pages 1345, 1383

MENTAL HEALTH SERVICES

Hospital or medical insurance to be included under, of counselors—
HB 74, pages 19, 1361
SB 116, page 1347

MENTAL PATIENTS

State department of mental health allowed to purchase hospital and health insurance for, in state institutions—
HB 107, page 24

MENTALLY HANDICAPPED PERSONS

In-home care of, tax deduction granted—
HB 108, page 25

MENTALLY ILL PERSONS

Committing criminal act, court hearings prior to release—
HB 75, pages 19, 128, 304

MERGER BILL

Colleges and universities, provided for—
HB 396, pages 138, 239, 1058, 1059

MERIT SYSTEM

Military preference during lay-off of state employees—
HB 99, pages 23, 239

Vacancies in, filling of, by laid-off employees—
HB 154, pages 34, 240, 1134, 1135
SB 40, pages 815, 815, 904, 1135, 1209

MERRILL, JESSE M.

Congratulated—
HR 203, page 412

METHONOL

Ethylnol, same tax exemptions—
HB 867, page 1195
SB 532, pages 1349, 1351, 1384, 1731, 1732

MEUNIER, MRS. MARY ETTA

Death mourned—
SJR 48, pages 267, 326

MILES COLLEGE

Bar examination, graduates of, allowed to take—
SB 278, pages 1080, 1185

MILITARY PERSONNEL

Ceremonial funerals for eligible veterans, national guard allowed to furnish—
HB 94, pages 22, 477, 1367
SB 330, pages 1349, 1351, 1383

Drivers licenses, renewal of—
HB 33, pages 11, 103, 345, 806, 811, 812, 813

Hunting of military installations, licenses—
HB 564, pages 320, 399

MILITARY RETIREMENT PAY

Income tax, exempt from—
HB 664, page 440

MILITARY SERVICE

Retirement systems reopened for—
HB 697, pages 540, 1031, 1145, 1146
HB 702, page 563
SB 175, pages 823, 824, 1384

MILK

Alabama state official beverage, made—
HR 360, page 1039

MILLER, ELLA MAE

Commended—
HR 74, page 147

MINERAL RIGHTS

Ownership of, recordation of, restrictions on conveyances—
HB 7, page 6

MINES AND MINING

Alabama surface mining control and reclamation act of 1981, commission exempt from administrative procedure act—
HB 300, pages 107, 239, 1284, 2072, 2074, 2079
SB 466, pages 966, 967, 1358

MISDEMEANOR DEFENDANTS

Housed in city or county jails, required to reimburse for housing, maintenance and medical costs—
HB 227, pages 49, 244, 1114, 1115

MISDEMEANORS

Fines increased—
HB 140, page 31

MITCHELL, LYDELL

Honoring—
HR 508, page 2042

MITCHELL, VICTOR F.

Congratulating—
HJR 386, pages 1219, 1925, 1942, 2078

MOATES, L. MARTIN

Commended—
HJR 77, pages 148, 278, 280, 312

MOBILE

City of, interstate 65 to Montgomery, from, emergency telephone call boxes installed along—
HB 133, pages 30, 313, 806, 807, 1566, 1575, 1679

City of, pension and relief system for policemen and firemen, benefits adjusted—
SB 277, pages 1494, 1495, 1686

City of, youth athletic board established—
HB 475, pages 195, 347, 454, 458, 1232, 1268, 1299

MOBILE AREA CHAMBER OF COMMERCE FOUNDATION, INC.

Ad valorem taxes, exempt—
HB 32, page 11
SB 57, pages 1350, 1351

MOBILE COUNTY

Baldwin county, boundaries defined—
HB 638, pages 405, 537, 1137, 1456, 1463, 1536

Bingo authorized—
SB 377, pages 1345, 1346, 1547, 1720, 1721, 1794, 1894
SB 378, pages 1346, 1547, 1721, 1741

MOBILE COUNTY (Continued)

Board of equalization, chairman to be full time employee of—
HB 182, page 39

Board of health, ad valorem tax, percentage allocated to—
HB 183, pages 39, 106, 158, 159, 203, 272, 1681, 1727, 1934

Board of school commissioners, rights, powers and duties of—
HB 842, page 1032

Civil defense authority created—
HB 456, page 191

Constables office abolished—
HB 186, page 40

Constables, qualifications and duties—
HB 879, page 1198

County commission authorized to grade all county dirt roads traveled by mail carriers—
HB 635, pages 404, 436, 484, 1191, 1221, 1299

County commission authorized to provide a health insurance program for retired county employees—
HB 637, pages 405, 436, 485, 1191, 1222, 1299

Educational television studio, appropriation provided to establish in—
HB 333, page 113

Fireworks regulated—
HB 477, page 195

Gifted students, teacher units allocated for—
SB 480, pages 1234, 1235, 1548, 1714, 1739

Leash law, referendum held on—
HB 880, pages 1198, 1548

Medically indigent provided for—
HB 44, pages 13, 105, 158, 203, 272, 302, 335, 364, 450, 477, 544, 1227, 1268, 1299
HB 45, pages 13, 106, 158, 203, 272, 302, 335, 364, 450, 481, 569, 616, 665, 885, 886, 1191, 1221, 1299

Mobile united, inc., alcoholic beverage tax distribution to, provided—
HB 790, pages 877, 921, 997, 1456, 1463, 1536

Money deposited with court, percentage deposited in county general fund—
HB 37, page 12

Oakleigh antebellum house museum, annual distribution made to—
HB 676, pages 479, 609, 667, 668, 1191, 1222, 1299

Political subdivisions required to solicit competitive bids for space leasing—
HB 788, page 876

Public hospital board, appropriations—
HB 46, page 14

MOBILE COUNTY (Continued)

Racing commission, compensation and qualifications, licenses, pools and bets, deposit of funds—
HB 876, pages 1197, 1385, 1562

Volunteer fire departments allowed to paint arrows on highways to signify fire hydrant location—
HB 185, pages 40, 106, 203, 273

Voters lists, probate judge allowed to sell—
HB 878, pages 1197, 1548

Youth Athletic Board established—
HB 187, pages 40, 105, 156, 1461, 1469, 1537

MOBILE COUNTY DELEGATION

Appreciation expressed—
HJR 432, pages 1479, 1566, 1576, 1680

MOBILE HOMES

Filing a continuation statement after filing a financing statement on a perfected security interest, exempt—
HB 329, pages 113, 163, 1311

Movement of, hours regulated on school days—
HB 52, pages 15, 163

MOBILE INTERNATIONAL FESTIVAL

Congratulated—
HR 225, page 492

MOBILE JAYCEES, INC.

Sales and use taxes, exempt—
HB 617, page 391

MOBILE SPEECH AND HEARING ASSOCIATION

Commended—
SJR 49, pages 267, 326

MODERATE INCOME HOUSING

Persons of, defined—
SB 183, pages 1081, 1361

MODULAR HOMES

Movement of, hours regulated on school days—
HB 52, pages 15, 163

MONROE COUNTY

Board of education, additional expense allowances—
SB 441, pages 824, 825, 872, 936, 1032

MONTGOMERY

City of, veterinary clinics and animal hospitals, minimum standards—
HB 746, pages 651, 765, 892

MONTGOMERY (Continued)

Interstate 65 to Mobile, from, emergency telephone call boxes installed along—
HB 133, pages 30, 313, 806, 807, 1566, 1575, 1679

MONTGOMERY COUNTY

Commission, administrative assistants, authorized to employ—
HB 870, pages 1196, 1366, 1476, 1477

Probate judges compensation—
HB 747, pages 651, 872, 938, 939, 995, 1044, 1048, 1049, 1897, 1898, 1940, 2078

Retirement system, annual audits of assets and liabilities—
HB 891, pages 1201, 1366, 1440

MOORE, ROBERT LUSTON

Commended—
HR 503, page 1945

MORGAN COUNTY

Flint, town of, branch banks established in—
HB 817, pages 989, 1029, 1105, 1106, 1707, 1735, 1935

Gasoline taxes distributed—
HB 98, pages 23, 130, 204, 580, 586, 594

Sheriffs department employees salaries—
SB 428, pages 590, 591, 608, 666, 790

Superintendent of education, compensation—
SB 456, pages 591, 608, 667, 791

T.V.A. in lieu of taxes payments distributed—
SB 76, pages 295, 297, 920, 996, 1023

MORRISON, DANNY C.

Athletic field, Munny Sokol park in Tuscaloosa, named—
SJR 198, pages 897, 906

MORTON, MR. AND MRS. A.V.

Commended—
HR 483, page 1748

MOSS, JOHN GRADY

Commended—
HJR 312, pages 925, 951, 957, 1090

MOTION PICTURE INDUSTRY

Film production, financial incentive for, registration—
HB 525, page 286

MOTIONS IN WRITING

MOTOR BOATS

Operating of certain by persons under 16 years of age without adult supervision, prohibited—
HB 408, pages 140, 340, 399

MOTOR CARRIERS

Interstate, bonding requirements—
HB 375, pages 134, 236, 345, 805

MOTOR CARRIER VEHICLES

Registration fees increased—
HB 54, pages 15, 126, 344, 550, 552
SB 208, pages 971, 972, 1356

MOTOR FUEL

Excise tax on, distribution of—
HB 14, page 7

MOTOR FUEL MARKETING ACT

Created—
HB 26, page 10

MOTOR VEHICLE ANTITHEFT LAW

Editorial error corrected—
HB 744, page 651
HB 915, pages 1207, 1356

MOTOR VEHICLE SAFETY RESPONSIBILITY ACT

Security required increased—
HB 289, page 59

Security required therein increased—
HB 380, pages 135, 603, 1063, 1067, 1101

Uninsured motor vehicle included, minimum amount of liability required, increased—
HB 901, pages 1204, 1365, 1434, 1706, 1737, 1936

MOTOR VEHICLES

Abandoned, notice of sale of—
HB 313, pages 110, 315, 1162, 1163
SB 80, pages 820, 821, 1024, 1163, 1209

Abandoned, sale of, regulated further—
HB 651, pages 407, 1361

Casting of light from, onto real property at night, hours that constitute a nuisance—
HB 208, page 44

D.U.I. offense, confiscation of, for, provided for—
HB 267, page 55

Leased or hired, crimes relating to—
HB 621, pages 391, 433, 1317
SB 131, pages 817, 817, 1024, 1317, 1474

MOTOR VEHICLES (Continued)

License tags, front tags required—
HB 397, page 138

Lighting equipment on, inclement weather, driving, required—
HB 91, page 22
HB 169, pages 37, 245
HB 447, page 189

Repossession of, law enforcement agencies to be notified prior to—
HB 51, page 14

Scrapped or destroyed, destruction of license plate required—
HB 743, page 614

Size and weight regulated—
HB 517, pages 250, 317, 345, 413, 420, 1531, 1532, 1542, 1679

Trailer trucks exempt from certain brake requirements—
HB 539, pages 289, 317

Uniform certificate of title and antitheft act, duplication of forms eliminated—
HB 233, pages 50, 315, 1043, 1141

Uniform certificate of title for, owner defined—
HB 305, pages 108, 434, 1131

Warranties on new, refunds for failure to conform to—
HB 811, pages 824, 1024

MOUNT ROYAL TOWERS, INC.

Tax and license exemptions—
HB 589, page 348

MUNDEN, CHARLES G.

Commended—
HJR 184, pages 338, 645, 658, 825

MUNICIPAL CORPORATIONS

Utility tax, 2.2%, to pay—
HB 250, pages 52, 100, 132

MUNICIPAL ELECTIONS

Dates set—
HB 180, pages 39, 130, 1591, 1592

MUNICIPAL GOVERNING BODIES

Attorneys, allowed to meet with, in executive sessions—
HB 82, pages 20, 920

MUNICIPAL INCORPORATIONS

Counties 600,000 or more population, restrictions deleted—
HB 234, pages 50, 130, 1274, 1275

MUNICIPAL PUBLIC PARKS AND RECREATION BOARDS

Recreational facilities, handball courts and gymnasiums defined as projects of—
HB 686, pages 538, 607, 1164, 1682, 1731, 1934

MUNICIPAL RETIREMENT ALLOWANCES

Income taxation, exempt—
HB 147, page 33

MUNICIPALITIES

Abused and neglected animals, taking or disposing of, powers of—
HB 611, pages 352, 762

Class 2, form of government of, referendum held on—
HB 698, pages 562, 921, 997, 1044, 1174, 1240, 1416
HB 882, page 1198
HB 893, page 1199
SB 536, pages 1662, 1686

Class 3, appointed boards and authorities, membership guidelines prescribed—
HB 777, page 875

Class 3, budget, amending of, adjustment of line items—
HB 775, page 874

Class 3, legal actions brought or defended by, approval of governing body required—
HB 776, page 874

Class 3, reapportionment plan, governing body responsible for filing—
HB 778, page 875

Class 5, leash law referendum authorized—
SB 245, pages 592, 763, 896, 905

Class 6, council-manager act of 1982, amended, form of government—
HB 850, pages 1035, 1183, 1385, 1585
SB 533, pages 1235, 1236, 1386, 1586, 1695

Fire protection, service charge for—
HB 432, pages 166, 317

Industrial parks, binding option agreements with respect to, authorized to enter into—
SB 431, pages 1082, 1083, 1545

Linen rental services, permitted to provide projects for—
HB 129, pages 29, 314, 382, 952, 953, 973
SB 50, pages 592, 763

Mayor-council form of government, procedure established for change to—
HB 812, pages 924, 1028

Revenues distributed to, by state agencies, procedures prescribed—
HB 286, pages 58, 101, 790, 1666, 1689, 1933

MUNICIPALITIES 250,000 OR MORE POPULATION

Retired employees hospitalization insurance—
HB 661, pages 439, 760, 1147, 1150
SB 404, pages 1491, 1543

MURDER

Youthful offender, person charged with, not eligible to be tried as—
HB 843, pages 1033, 1383

NAMIBIA

Retirement systems prohibited from investing with companies doing business with—
HB 290, page 59

NATIONAL FOOTBALL FOUNDATION

Alabama chapter of, commended—
HJR 39, pages 82, 186, 216, 234

NATIONAL GUARD

Actions against, defense counsel available at state expense—
HB 59, pages 16, 103
SB 192, pages 1344, 1345, 1383, 1563, 1658

Ceremonial funerals for eligible veterans, allowed to furnish—
HB 94, pages 22, 477, 1367
SB 330, pages 1349, 1351, 1383

Indemnification by state to persons barred from actions against members of—
HB 58, pages 16, 103
SB 191, pages 1344, 1345, 1383, 1563, 1659

License tags, distinctive, free for retired—
HB 399, page 138

NATIVE FARM WINERY

Defined—
SB 145, pages 1351, 1383

NATURAL RESOURCES

Seafood dealer/processor license created—
HB 62, pages 17, 243

Seafoods advisory board, established—
HB 66, pages 17, 1027

Shrimping by persons other than licensed bait shrimp dealers—
HB 63, pages 17, 398, 1301

NEGOTIABLE INSTRUMENTS

Worthless, giving of bad check for tax liability, crime of—
SB 308, pages 1490, 1549

Worthless, punishment increased—
HB 164, page 36

NET INCOME EXCLUSIONS

Taxpayers age sixty-five or older, raised—
HB 122, page 27

NEW ELECTRIC CHAIR

Prison system urged to buy—
HR 126, page 292

NEWTON, DEMETRIUS

Commended—
HR 69, page 143

NICHOLSON, MRS. GEORGE ALBERT

Death mourned—
HR 388, page 978

NIGHT FIGHTERS STAMP

Congress urged to approve—
HJR 230, pages 541, 645, 659, 825

NIGHTTIME SEARCH WARRANTS

Conditions for the issuances of, prescribed—
HB 253, pages 53, 129

NIXON, DR. E.D.

Honoring—
HJR 296, pages 878, 879, 1182, 1214, 1299

NO CONTEST

Conviction from, admissible as evidence in another jurisdiction—
HB 79, pages 20, 128, 633
HB 255, page 53

NOLO CONTENDERE

Conviction from, admissible as evidence in another jurisdiction—
HB 79, pages 79, 128, 633
HB 255, page 53

NONCONSUMABLE PERSONAL PROPERTY

Report of, frequency of, reduced—
HB 562, pages 320, 397, 895
SB 446, pages 1178, 1179, 1358

NONCONSUMABLE PROPERTY

Report of, frequency of, reduced—
HB 561, pages 320, 397, 894

NONDRIVER IDENTIFICATION CARDS

No expiration date—
HB 785, pages 876, 1362, 1615, 1616

NONRESIDENT VIOLATOR COMPACT OF 1977

Public safety director authorized to carry out provisions of—
HB 794, pages 877, 1358

NON-TEACHERS

Public school systems, fair dismissal procedures for—
HB 121, pages 27, 505
HB 296, pages 60, 242, 496, 500, 501, 505, 515, 1226, 1227, 1268, 1595, 1597, 1665, 1688, 1933

NORRIS, CLARENCE

Appropriation provided—
HB 560, pages 320, 1385

NORTHEAST ALABAMA STATE JUNIOR COLLEGE

Harry Campbell business and education building, named—
SJR 251, pages 1929, 2054, 2075

W.M. Beck health and fine arts center, named—
SJR 253, pages 1929, 2054, 2075

NOT GUILTY BY REASON OF INSANITY

Test to determine, burden of proof lies with defendant—
HB 269, pages 56, 128, 773

NOTICES IN WRITING

NOVAK, TABOR R., JR.

Commended—
HR 389, page 1220

NURSING

Professional and practical, board of, regulated further—
HB 72, pages 18, 427, 782, 784, 1668, 1669, 1692, 1934
SB 96, pages 1083, 1085, 1360

NURSING HOMES

Housing and care of elderly, provided further for—
HB 73, pages 18, 101, 344, 526
SB 174, pages 593, 594, 607, 1170, 1210

NUTRITIONISTS

Qualifications prescribed—
HB 353, pages 118, 426
SB 226, pages 1490, 1544

OATH OF OFFICE

OCCLUDED NATURAL GAS

Privilege tax, exempt from—
HB 663, page 440

O'CONNOR, WILLIAM J.

Death mourned—
HR 186, page 389

ODOM, FRANK

Commended—
HJR 462, page 1696
HR 506, page 1945

OFFICE SPACE

State, rented by, rent ceiling prescribed—
HB 64, page 17

OFFSHORE ENVIRONMENTAL RULES

Federal offshore environmental regulations, to be consistent with—
SJR 238, pages 1497, 1658

OIL AND GAS

Diesel fuel, agricultural use, distributor of, exempt from posting bond—
HB 479, pages 196, 400

Domestic insurers investments in, limited—
HB 224, pages 48, 163, 620, 1675, 1676, 1693, 1934
SB 38, pages 592, 594, 764, 1276, 1443

Four cents per gallon gasoline tax repealed—
HB 825, page 991

OIL AND GAS

Motor fuel marketing act, created—
HB 26, page 10

Occluded natural gas, privilege tax, exempt from—
HB 663, page 440

Pooled drilling units, non-concenting owners in, charges against—
SB 539, pages 1491, 1492, 1544

Production privilege tax, exemption for certain wells—
HB 69, pages 17, 1351

Production privilege tax, exemptions—
HB 189, page 41

Production privilege tax reduced—
HB 190, pages 41, 1335

Rights of ownership of, recordation of, restrictions on conveyances—
HB 7, page 6

Severance taxes, rates—
HB 35, page 11

OLIVER, DR. CHARLES

Commended—
SJR 123, pages 553, 575

OMBUDSMAN

Long-term care ombudsman act, established—
HB 505, page 247

OPP JAYCEES RATTLESNAKE RODEO

Taxes, sales and use, exempt—
HB 9, page 7
SB 190, pages 591, 592

OPTIMIST CLUB OF HUNTSVILLE

Tax exemptions—
HB 486, page 197

O'REAR, WILLIAM GUNTER

Death mourned—
HJR 406, pages 1369, 1455, 1457, 1536

ORR, DR. HENRY PORTER

Commended—
HJR 379, pages 1207, 1668, 1691, 1933

OTTO, CALVIN C.

Congratulated—
SJR 255, pages 1927, 1946

OVERSIZED LOADS

Special permits for movement of—
HB 231, pages 49, 103, 1305, 1306, 1666, 1689, 1933

OXFORD

City of, boundaries altered—
SB 346, pages 421, 422, 431, 483, 520, 609

City of, civil service system, number of persons certified to fill vacancies increased—
SB 115, pages 296, 297, 318, 366, 367, 774, 814

City of, police chief included under civil service system—
SB 60, pages 296, 297, 317, 365, 420, 529, 533

OYSTER COLLECTION

Commercial versus non-commercial—
HB 68, pages 17, 243, 345, 804, 805

OZMENT, JAMES FRANKLIN

Commended—
HJR 408, pages 1371, 1455, 1457, 1536

PANKEY, CHRIS

Commended—
HR 359, page 1039

PARDONS AND PAROLES

Board of, hearings of, excluded as a contested case under the administrative procedure act—
HB 627, pages 403, 604

Board of, meetings of, filing of information, commutation of death sentence—
HB 387, pages 136, 434, 1534

Board of, no power to pardon or restore rights, until all restitution has been made—
HB 249, pages 52, 237, 628

PARDONS AND PAROLES (Continued)

Board of, notification procedures of—
HB 536, pages 289, 426, 776, 1907, 1908, 1940, 2078

PARENTAL KIDNAPPING

Interference with custody, penalty changed to a felony—
HB 214, pages 45, 127, 781, 1497, 1516, 1537
SB 517, page 344

PARENTAL RIGHTS

Termination of, provided for—
HB 510, page 248
SB 283, pages 1487, 1489, 1549

PARI-MUTUEL RACING

State commission, created—
HB 581, page 323

PARI-MUTUEL WAGERING

Funds from, certain, paid into state general fund—
HB 434, page 166

PAROLEES AND PROBATIONERS

Contributions towards cost of supervision increased—
HB 628, page 403

PARTITION PROCEEDINGS

Purchasing of interest by joint owners or tenants in common in—
HB 824, page 991

PATE, JERRY

Commended—
HJR 519, page 2051

PATERNITY

Determination of—
HB 339, pages 114, 431, 1317, 1320, 1329
SB 455, pages 1350, 1351, 1550

PATTERSON, DARYL

Commended—
HR 371, page 1114

PAY PERIODS

State employees, changed to pay days—
HB 281, pages 57, 101, 787, 788, 1379, 1388, 1536
SB 263, pages 966, 967

PAYNE, CINDY

Commended—
HR 187, page 389

PAYNE, DR. CHARLES L.

Commended—
HJR 264, pages 661, 1181, 1213, 1299

PAYROLL DEDUCTIONS

Charitable organizations defined for—
SB 104, pages 821, 822, 1358

Firefighters, provided—
HB 426, page 165

State employees, provided for—
HB 103, pages 24, 102, 1298
SB 102, pages 1080, 1357

PEACE OFFICERS

Killed in line of duty, compensation paid to dependents raised—
HB 476, pages 195, 1352

PENSIONS AND SECURITY

Community work experience program, state department of, to establish—
HB 162, page 36

PERKINS, RAY

Commended—
HJR 48, pages 94, 186, 216, 234

PERSONS AGE SIXTY-FIVE OR OLDER

Fishing licenses, not required to have—
HB 301, pages 107, 243, 1243, 1898, 1939, 2078

Taxpaying, fiduciaries making tax returns for, annual exclusion increased—
HB 125, page 28

Taxpaying, net income exclusion raised—
HB 122, page 27

Taxpaying, personal exemption increased—
HB 124, page 28

PETERSON, HAZEL ADAMS

Commended—
HJR 24, pages 75, 186, 215, 234

PHENIX RUSSELL GIRL'S SOFTBALL TEAM

Commended—
HR 487, page 1750

PHILLIPS, ANNE WINSTON

Commended—
HR 128, page 294

PHYSICALLY HANDICAPPED PERSONS

In-home care of, tax deduction, granted—
HB 108, page 25

PHYSICIANS

Liens, provided for—
HB 146, pages 32, 428

State mental health facilities, of, permitting depositions to be taken of, by state—
HB 270, page 56
SB 107, pages 1345, 1383

PI KAPPA PHI FRATERNITY

Commended—
HR 493, page 1493

PICKENS COUNTY

Alcoholic beverages, prohibited—
SB 550, page 292

Branch banks authorized—
HB 519, pages 285, 346, 451, 1461, 1471, 1537

Court costs increased—
HB 119, pages 27, 104, 151, 1460, 1470, 1537

Pistol permit fees increased—
HB 520, pages 285, 346, 451, 1461, 1471, 1537

Real estate deed, filed or recorded in, certain information, to contain—
HB 120, pages 27, 104, 152, 1460, 1470, 1537

Road system, single centralized, provided for—
HB 884, pages 1199, 1363, 1428, 1429

Timber lands, tax assessed for protection of—
HB 857, pages 1095, 1186, 1423, 1706, 1736, 1935

Wet/dry referendum, time interval between elections—
SB 549, pages 1492, 1493, 1546, 1712, 1740

PIKE COUNTY

County commissions meeting dates—
HB 688, pages 538, 556, 617, 1458, 1468, 1537

Probate judge, compensated on a salary basis—
HB 755, pages 653, 764, 892, 1459, 1469, 1537

Tax assessor, tax collector and circuit clerk, deputies provided for—
HB 13, pages 7, 130, 204, 1460, 1470, 1536

PILOTS

Bar, fee schedule revised—
HB 457, pages 191, 239, 345, 491, 1378, 1388, 1536
SB 295, pages 972, 972, 1025

PISTOLS

Drug felons prohibited from possessing—
HB 625, page 403

PITTS, LUCY

Commended—
HR 277, page 677

PITTS, REVEREND WILLIAM A.

Commended—
HR 525, page 2062

POLITICAL PARTIES

Income tax check-off system for support of—
HB 633, pages 404, 535, 1086
SB 209, pages 1661, 1685, 2069, 2070, 2076

POLITICAL RIGHTS

State employees, of, provided for—
HB 402, pages 139, 237, 1130, 1131
SB 250, pages 818, 819, 904, 1130, 1210

POLYGRAPH EXAMINERS

Regulated—
HB 275, pages 57, 237, 1175, 1666, 1689, 1933

POLYGRAPH EXAMINERS BOARD

Continued—
HB 361, pages 119, 238, 384, 582, 587, 595

POOL OR BILLIARD TABLES

Counties, operation of, in, outside cities or towns—
HB 613, pages 390, 538, 1244, 1245

PORNOGRAPHY

Child, defined and prohibited—
HB 24, pages 10, 127, 303
HB 284, page 58

Minors, display and distribution of, to, prohibited—
HB 285, pages 58, 1024
SB 153, pages 1347, 1348, 1549

PORT OF MOBILE

Secretary of navy urged to designate as home port for new carrier battle group—
HR 457, page 1584

POSTSECONDARY EDUCATION

Displaced homemakers, programs established for—
HB 114, page 26

POWELL, DR. WILLIAM D., JR.

Commended—
HJR 244, pages 568, 645, 659, 825

PRAYER

Public schools, in, provided for—
HB 793, page 877

PRERETIREMENT DEATH BENEFIT PROGRAM

Retirement systems to create—
HB 403, page 139
SB 227, pages 971, 972, 1355, 1580, 1585, 1694

PRESBYTERIAN APARTMENTS OF BIRMINGHAM, INC.

Ad valorem taxes, exempt—
HB 462, pages 192, 902, 1294, 1295
SB 419, pages 1084, 1085, 1384

Taxation, exempt—
HB 179, page 39

PRESBYTERIAN HOMES OF DECATUR, INC.

Ad valorem taxes, exempt—
HB 462, pages 192, 902, 1294, 1295
SB 419, pages 1084, 1085, 1384

Taxation, exempt—
HB 179, page 39

PRESCRIPTION DRUGS

Copayment for, to conform with tax equity and fiscal responsibility act of 1982—
HB 807, pages 923, 1001, 1025, 1594, 1595

Medicaid reimbursement for certain—
HB 389, page 137

PRESIDENT AND CONGRESS

American farmers, low prices paid to, memorialized to raise—
SJR 235, pages 1077, 1211

Memorialized to call upon citizens to renew allegiance to this country—
SJR 140, pages 791, 863

Memorialized to prohibit importation of steel from British steel corporations—
HJR 258, pages 656, 871, 884, 899
SJR 172, pages 793, 864

Petitioned to reestablish official governmental relations with the Republic of China—
SJR 153, pages 1929, 2054

William Bacon Oliver lock and dam, appropriation to, expedition urged—
SJR 249, pages 1236, 1444

PREVAILING WAGE

State's public policy expressed—
HB 106, pages 24, 240
SB 71, pages 1079, 1093, 1281, 1282

PREVENTIVE DETENTION

Denial of bail, through, provided for—
HB 277, page 57

PRICHARD

City of, enterprise zone, established—
SB 506, pages 1234, 1235, 1547, 1713, 1739

City of, pension and retirement fund—
HB 859, pages 1193, 1366, 1437, 1440, 1708, 1736, 1935

PRIMARY ELECTIONS

Cities 300,000 or less population, for governing bodies of—
HB 650, page 407

Place and time for holding—
HB 357, page 118
HB 573, pages 321, 397
HB 632, pages 404, 981
SB 210, pages 1084, 1085, 1093, 1577, 1578
SB 453, pages 1660, 1661, 1685, 2070, 2072

PRINTING AND BINDING

Public, transferred to department of corrections—
HB 229, page 49

PRISON COMMISSIONER

Requested to hire local people and buy equipment locally in Limestone county—
HR 336, page 977

PRISONERS OF WAR

Educational benefits of children, wives or widows of—
HB 668, page 441

PRISONS AND PRISONERS

Income of inmates, confiscation of—
HB 134, pages 30, 239, 344, 800

Misdemeanor defendents housed in city or county jails, housing, maintenance and medical costs, required to reimburse—
HB 227, pages 49, 244, 1114, 1115

Sentences ten years or less, minimum and maximum terms of confinement increased—
HB 257, pages 53, 1381
SB 154, pages 1486, 1487, 1549

State prisoners, appropriation to cover housing costs of by counties—
HB 100, page 23

PRISONS AND PRISONERS (Continued)

Unconvicted prisoners, voluntary work on public works, conditions prescribed—
HB 652, pages 408, 538

PRIVATE ENTERPRISE REVIEW COMMISSION

Created—
HB 605, page 351

PROBATE COURT

Jurors in, compensated same as jurors in circuit court—
HB 854, page 1095

PROBATE JUDGES

Minimum compensation—
HB 489, pages 198, 1030
SB 410, pages 1661, 1685

PROBATE LAWS

Decendents estates, administration of, succession of, ambiguities clarified—
HB 800, page 921

Inconsistencies clarified—
HB 799, page 921

PROBATE OFFICES

Fees and charges in, provided for—
HB 490, pages 198, 1030
SB 408, pages 1487, 1489, 1543

Recordation taxes, provided for—
HB 491, pages 198, 1030, 1564, 1566, 1571, 1616
SB 409, pages 1488, 1489, 1551

PROFESSIONAL COUNSELORS

Qualifications of—
HB 421, pages 164, 242, 1069, 1071, 1523, 1524, 1541, 1679

PROFESSIONAL ENGINEERS AND LAND SURVEYORS

Board of registration for, continued—
HB 363, pages 119, 238, 385, 582, 587, 595
HB 549, page 291

PROPERTY VALUES

State projects affecting, notice required—
HB 48, page 14, 1357

PRORATION

Public safety, department of, exempt from—
HB 374, page 134

PROSECUTION SERVICES

Office of, employees of, eligible for employees retirement system—
HB 342, pages 185, 313, 893, 894

PROSTITUTION

Class A misdemeanor, defined and punished as—
HB 306, pages 108, 128, 780

PRUITT, MR. AND MRS. RAYMOND

Commended—
HR 502, page 1944

PSYCHOLOGISTS

Licensing and practice of—
HB 856, page 1095

PUBLIC DEBT

1983 refunding bonds, payment of principal and interest on—
HB 762, pages 655, 759, 873, 2072, 2075, 2079

PUBLIC DEFENDERS

Judicial circuits with a minimum state penitentiary population, appointment and election of—
HB 601, pages 351, 903, 1441, 1446

PUBLIC EDUCATION EMPLOYEES HEALTH INSURANCE BOARD

Created—
HB 163, pages 36, 399, 633, 669, 675, 678, 685, 757, 1420, 1421, 1445, 1477, 1479, 1516, 1536, 1538
HB 576, page 322

PUBLIC EMPLOYEE

Redefined under the code of ethics—
HB 712, pages 565, 760

PUBLIC FUNDS

Legislature to appropriate all—
HB 541, page 290

PUBLIC HEALTH

Department of, appropriation for rubella vaccine—
HB 765, pages 767, 902, 1269

PUBLIC HOUSING AUTHORITIES

State utility, gross receipts tax and service use tax, exempt from—
HB 604, page 351

PUBLIC PRINTING AND BINDING

Transferred to department of corrections from finance department—
HB 229, page 49

PUBLIC SAFETY

Department of, appropriation provided—
HB 826, pages 991, 1030, 1140, 1921, 1922, 1941, 2078

Department of, director, assistant director, officers, agents and employees of, board of adjustment to pay cost of awards arising out of official duties—
HB 751, pages 652, 1353

Department of, exempt from proration—
HB 374

Director of, fee increased for drivers operating record—
HB 252, pages 52, 100, 169, 172, 1746, 1748, 1936

PUBLIC SAFETY DIRECTOR

Non-resident violator compact of 1977, authorized to carry out provisions of—
HB 794, pages 877, 1358

PUBLIC SCHOOL AND COLLEGE AUTHORITY

Board of, chief executive officer of postsecondary education and executive officer of the commission on higher education added as member of—
HB 713, page 565

PUBLIC SCHOOL EMPLOYEES

Controlled substances, communications concerning, exempt from liability—
HB 27, pages 10, 604, 1289

PUBLIC SCHOOL SYSTEMS

Non-teachers and non-certified employees of, fair dismissal procedures—
HB 121, pages 27, 505
HB 296, pages 60, 242, 496, 500, 501, 505, 515, 1226, 1227, 1268, 1595, 1597, 1665, 1688, 1933

PUBLIC SERVICE COMMISSION

Cable television facilities, certificates of convenience and necessity—
HB 848, page 1034

Cable T.V. operations, to regulate—
HB 16, page 8

Deduction of advertising cost of Alabama Power in considering rate increases, demanded—
HJR 357, page 1036

Expense allowances, provided—
HB 400, pages 138, 162
SB 239, pages 1080, 1356, 1580, 1694

Gas systems charged a fee per active service line by—
HB 55, pages 15, 126, 344, 551, 552, 619, 1535, 1541, 1679
SB 207, pages 970, 971, 1356

PUBLIC SERVICE COMMISSION (Continued)

Hearings of, parties right to be heard at—
SB 444, pages 1081, 1082, 1358

Spur tracks, sidetracks and rolling stock, jurisdiction over—
HB 579, pages 323, 400

PUBLIC UTILITY LICENSE TAX

Repealed—
HB 563, page 320

PUBLIC WATER SYSTEMS

Construction and modification of, issuance of permits for—
HB 570, pages 321, 397, 811

PUBLICITY AND INFORMATION

Bureau of, name changed to bureau of tourism and travel—
HB 614, pages 390, 760, 1176, 1242
SB 362, pages 1348, 1349, 1543

QUALMANN, LANCE

Commended—
SJR 263, pages 1927, 1946

RABBITS

Sale of, exempt from gross sales tax—
HB 22, page 9

RADIO UTILITY ACT

Repealed—
HB 759, pages 654, 1026

RAILROADS

Caboose required on all trains—
HB 392, page 137

Spur tracks, sidetracks and rolling stock, public service commission to have jurisdiction over—
HB 579, pages 323, 400

RAILROAD RETIREMENT SOLVENCY ACT OF 1983

Alabama congressional delegation, urged to support—
SJR 38, pages 265, 299, 329

RANDOLPH COUNTY

Coroner, compensation of—
HB 694, pages 540, 608, 666, 1684, 1731, 1934

Sales and use tax, levied—
HB 726, pages 610, 650, 887, 889, 1336, 1340, 1374, 1379

Soil percolation tests, health department to perform—
HB 680, pages 480, 537, 579, 1684, 1730, 1934

RATLIFF, WILLIAM C., JR.

Commended—
HJR 345, pages 994, 1732, 1738, 1936

RAY, ROYCE, III

Commended—
HJR 253, pages 615, 645, 659, 826

RAYFIELD, DAVID

Commended—
HJR 231, pages 541, 645, 659, 825

REAL ESTATE

Brokers, salesmen and transactions, regulated—
HB 110, pages 25, 240, 1301, 1302
SB 65, pages 591, 592, 763, 1302, 1444

REAPPORTIONMENT

Accounting of state funds, requested—
HR 260, pages 657, 658
HR 287, pages 778, 779

House districts 20 and 21, numbers reversed—
HB 741, pages 613, 763, 1307, 1308

House districts 25 and 26, numbers reversed—
HB 922, pages 1378, 1384, 1561

REAPPORTIONMENT LAW

Repealed—
HB 358, page 118

RECALL

Elected officials, of, provided for—
HB 5, page 6

RECIPROCAL STATE ENFORCEMENT OF DUTY TO SUPPORT LAW

Additional or alternative remedy to, provided—
HB 388, page 137

RED CLAY

Beaches, use of, on, prohibited—
HB 552, pages 292, 400
SB 333, pages 1083, 1361

RED LEVEL

Town of, boundaries altered—
SB 354, pages 488, 489, 537, 579, 609

REFERENDUM

Powers of, provided for—
HB 631, page 404

1983 REFUNDING BONDS

Payment of principal and interest on—
HB 762, pages 655, 759, 873, 2072, 2075, 2079

REGULATORY BOARDS

Service on, regulating business with which member of board is associated—
HB 516, pages 250, 316, 1137

RELIGIOUS SERVICE ADMINISTRATOR

Employed by state, housing allowance exempt from income tax—
HB 49, page 14

RENTING OR LEASING BUSINESS

Privilege tax on, exemptions provided for—
HB 93, page 22

REPUBLIC OF CHINA

President urged to reestablish relations with—
HJR 232, page 542

RESIDENT PREFERENCE

Competitive bidding on public contracts—
HB 47, page 14

RESIDENTIAL BIDDER PREFERENCE

Competitive bids, provided for—
HB 377, pages 134, 244

RESOLUTIONS

Ables, R.E., commended—
HR 484, page 1748

Act No. 595, 1978 regular session, legislative intent relative to—
HR 411, page 1372

Act 79-816, amended—
HJR 234, page 558

Adjournment—
HJR 4, pages 5, 85, 97, 122
HR 5, pages 5, 92
HJR 45, pages 93, 132, 164, 181
HR 46, pages 93, 123
HJR 64, page 125
HR 65, pages 125, 160
HJR 81, page 161
HR 82, pages 161, 181
HJR 91, pages 183, 232, 258, 279
HR 92, pages 184, 234
HJR 100, pages 235, 293, 304, 312
HR 101, pages 235, 279
HJR 122, pages 283, 302, 308, 342
HR 123, pages 283, 312
HJR 140, pages 327, 337, 338, 342
HR 141, page 327
HJR 150, pages 343, 379, 382, 393
HR 151, pages 344, 380
HJR 174, pages 382, 395, 402, 423
HR 175, pages 382, 393

RESOLUTIONS (Continued)

HJR 192, pages 394, 474, 478, 533
HR 193, pages 394, 423
HJR 205, pages 424, 474, 478, 533
HR 206, pages 424, 474
HJR 221, pages 476, 556, 572
HR 222, pages 476, 534
HJR 228, pages 535, 580, 587, 595
HR 229, pages 535, 552, 554
HJR 237, pages 560, 594, 609, 641
HR 238, pages 560, 595
HJR 248, pages 596, 641, 644, 758
HR 249, pages 597, 641
HJR 254, pages 646, 800, 833, 899
HR 255, page 646
HR 284 page 771
HJR 286, pages 773, 808, 808, 833, 899
HR 294, pages 830, 899
HR 305, pages 901, 919
HR 309, pages 920, 973
HR 331, pages 974, 1021
HR 354, pages 1022, 1091
HR 365, pages 1092, 1095, 1180
HR 376, page 1183
HR 399, pages 1301, 1379
HR 419, pages 1381, 1538
HR 435, page 1539
HR 460, page 1684
HJR 510, pages 2045, 2074, 2077, 2079, 2079

Alabama congressional delegation, urged to aid Alabama farmers—
HJR 209, pages 442, 644, 659, 825

Alabama department of agriculture and industries, commended—
HJR 378, pages 1192, 1668, 1690, 1933

Alabama department of environmental management, authorized to approve hazardous waste treatment facility or disposal site—
HJR 418, pages 1378, 1442, 1443

Alabama, group, commended—
HJR 115, pages 257, 369, 376, 380

Alabama institute for the deaf and blind girls' basketball and track team, commended—
SJR 73, pages 299, 329

Alabama institute for the deaf and blind, Harry L. Baynes Hall, named—
SJR 149, pages 792, 864

Alabama institute for the deaf and blind, Robert Weaver cottage, named—
SJR 148, pages 792, 864

Alabama marbles championship tournament, Aliceville, official site of—
HJR 119, pages 270, 369, 376, 380

RESOLUTIONS (Continued)

Alabama medicaid agency, rescind proposed cutbacks, urged—
HJR 195, page 408

Alabama oil and gas study committee, created—
HJR 394, pages 1223, 1692

Alabama poultry week, declared—
SJR 79, pages 486, 524

Alabama's adult educators, commended—
HJR 300, pages 881, 1182, 1214, 1299

Alabama state employment service, commended—
HJR 22, pages 73, 185, 215, 234

Alabama supreme court, mandatory continuing legal education, urged to exempt legislators—
HJR 108, pages 253, 293, 304, 312, 462

Alford, Victor, commended—
HR 496, page 1944

Allen, Emma, commended—
HJR 302, pages 883, 1182, 1214, 1299

"Amari-Layton Act", named—
HJR 520, page 2051

American legion auxiliary, sponsorship of Alabama girls state program, commended—
SJR 122, pages 485, 486, 524

America's junior miss program, commended—
HR 292, page 795

Amos, dr. Catherine Steinmitz, commended—
HJR 431, pages 1415, 1667, 1691, 1934

Anderson, Clarence, commended—
HR 107, page 253

Anderson, Harry A., commended—
HR 127, page 294

Anderson, Paul C., commended—
HR 60, page 120

Appling, Robert Lawrence, commended—
HR 417, page 1378

Armistead, mr. and mrs. Cole, honored—
HR 173, page 375

Arts and humanities, joint interim committee, created—
SJR 47, pages 448, 528

Ashmore, Stephanie Kay, commended—
HR 285, page 771
HJR 319, pages 929, 952, 957, 1090

Ashmore, Stephanie Kay, invited to appear before legislature—
HJR 349, page 1005

RESOLUTIONS (Continued)

Atchison, Aldriedge, O'Grady, death mourned—
HR 387, page 1219

Atkinson, mr. and mrs. Drew Baumhauer, congratulated—
HR 492, page 1943

Auburn University, recruitment of black faculty, urged—
HJR 161, page 356

Auburn University, thanked—
HJR 204, pages 413, 515, 522, 533

Ayers, Josephine E., commended—
SJR 232, pages 1076, 1211

Ayers, Marion B., death mourned—
HR 356, page 1036

"Back to school week", declared—
HJR 517, page 2049

Baha'i religious faith, Iranian persecution of, condemned—
HR 143, page 328
HJR 144, pages 330, 871, 884, 899

Bain, mr. and mrs. Simp McKee, commended—
HR 479, page 1747

Baker, Mark, commended—
HR 190, page 390

Bamberg, R.C., confirmation urged—
HR 452, page 1562

Barfield, major general Thomas H., commended—
HJR 71, pages 144, 232, 232, 279
SJR 45, pages 266, 326

Barnes, Betty, commended—
HJR 314, pages 926, 952, 957, 1090

Barron, Lona, commended—
HR 276, page 677

Barron, judge Bishop N., death mourned—
SJR 6, pages 87, 199

Barron, Gladys Porterfield, death mourned—
SJR 13, pages 89, 200

Basset, Lee Gardner, honored—
HJR 28, pages 76, 186, 215, 234

Bates, John Austin, commended—
HR 242, page 562

Battles, Pam, commended—
HJR 298, pages 880, 1182, 1214, 1299

Battles, Pam, invited to appear before the legislature—
HJR 350, page 1005

Bealle, mr. J. Rufus, commended—
SJR 174, pages 794, 864

RESOLUTIONS (Continued)

Bell, dr. George C., remembering—
HJR 263, pages 661, 1181, 1213, 1299

Bendall, Valerie Rhea, commended—
HJR 43, pages 86, 186, 216, 234
SJR 27, pages 90, 200

Berry, Bertha, commended—
HJR 299, pages 881, 1182, 1214, 1299

Birdsong, dr. W.E., honored—
HJR 466, page 1699

Birmingham cruising club, commended—
HJR 44, pages 91, 186, 216, 234

Birmingham News, commended—
HJR 343, pages 980, 1668, 1690, 1933

Black, mr. and mrs. Harry Pelham, commended—
HJR 54, pages 97, 186, 216, 234

Blount, Karen, commended—
HR 88, page 180

Bolling, Ricky, commended—
HR 63, page 122

Bonner, dr. Leon W., commended—
HJR 132, pages 294, 369, 376, 380

Bowen, Linda, commended—
HJR 383, pages 1216, 1925, 1942, 2078

Box, Claudette Cleek, death mourned—
HJR 404, pages 1368, 1455, 1457, 1536

Bozeman, Pace W., death mourned—
SJR 78, pages 486, 524

Bradberry, Hattie, commended—
HR 275, page 677

Breedlove, mr. and mrs. Bremon, commended—
HR 499, page 1944

Brewbaker junior high school symphonic band, commended—
SJR 69, pages 297, 329

Bridgeport high school, governors youth traffic safety club, commended—
HR 199, page 411

Brooks, Vada Elizabeth Callahan, commended—
HR 481, page 1748

Brotherton, judge James C., honoring—
HJR 446, pages 1557, 1566, 1576, 1680

Brown, Jesse, congratulated—
HJR 335, pages 977, 1667, 1690, 1933

RESOLUTIONS (Continued)

Bryan, dr. Robert Lawson, commended—
HJR 395, pages 1224, 1925, 1942, 2078

Buffington, Ormand, commended—
HR 120, page 278
HJR 87, pages 168, 278, 280, 312

Burdick-West hospital accreditation, congratulated—
SJR 185, pages 1928, 1945

Burnett, Anthony, commended—
HR 288, page 781

Cain, Johnnie B., commended—
HJR 211, pages 443, 515, 522, 533

Cain, Theresa, commended—
HR 495, page 1943
HJR 515, page 2048

Calhoun county industrial week, designated—
HJR 405, pages 1368, 1455, 1457, 1536

Callan, Nan, commended—
HR 464, page 1698

Camp smile week, declared—
HR 235, page 559

Carver high school rams, commended—
HR 181, page 388

Carver high school wolverines, commended—
HJR 261, pages 660, 1181, 1213, 1298

Center Point fire district service area, study committee, established—
HR 124, page 283
HJR 72, page 145

Channell, Juddy Leamon, death mourned—
HR 183, page 388

Chenault, Jean Elkins, commended—
HJR 456, pages 1583, 1732, 1739, 1936

Children's hospital, commended—
HJR 207, pages 425, 645, 658, 825

Chisum, Raymond Vaughn, commended—
SJR 87, pages 486, 524

Chuck wagon gang, commended—
HJR 297, pages 879, 1182, 1214, 1299

Ciba-geigy corporation, employees, commended—
HJR 380, pages 1208, 1565, 1576, 1680

Claiborne bridge, Monroe county, safeguards during construction of, urged—
HR 375, page 1176

RESOLUTIONS (Continued)

Clanton, Dovie, honored—
HR 423, page 1411

Clark, Dessie R., death mourned—
HJR 36, pages 80, 186, 215, 234
HR 37, page 81

Clark, Johnny Louis, commended—
HJR 397, pages 1279, 1925, 1942, 2078

Clem, Glen, commended—
HJR 212, pages 444, 515, 522, 533

Clikas, rep. Steve, congratulated—
HR 78, page 149

Cline, Betty Jean, commended—
HJR 153, pages 353, 395, 401, 422

Continuing select joint nuclear energy activities and hazardous chemical toxic waste oversight committee, reporting date extended—
HJR 102, pages 236, 473, 477, 533

Community hospital in Birmingham, accreditation, congratulated—
SJR 222, pages 1078, 1211

Community hospital of Tallassee, commended—
HJR 341, pages 979, 1668, 1690, 1933

Compton, Tommy, commended—
HR 507, page 2042

Congress, Alabama delegation to support the rail retirement solvency act of 1983—
SJR 38, pages 265, 299, 329

Congress, petitioned to restore work incentive program—
SJR 1, pages 487, 488, 597, 644

Constitutional revision, joint interim committee, created—
SJR 5, pages 265, 326

Coosa river navigation project, interim committee to assess, created—
HJR 425, pages 1412, 1696

Copeland, Albert Whiting, death mourned—
HJR 16, pages 71, 185, 215, 234

Cranston, senator Alan, invited to address legislature—
HJR 283, pages 770, 800, 833, 899

Crocker, Eddie and Terry, commended—
HJR 160, pages 356, 394, 401, 422

Crosby, Joseph Raymond, commended—
HJR 35, pages 79, 186, 215, 234

Crow, representative Bobby C., commended—
HJR 454, pages 1582, 1666, 1691, 1934

Crozier, Barbara, commended—
SJR 32, pages 90, 91, 200

RESOLUTIONS (Continued)

Cutts, James Wiley, commended—
HR 17, page 71

Dadeville high school majorettes, commended—
HJR 103, pages 250, 368, 375, 380

Davidson, dr. and mrs. James Edward, commended—
HR 25, page 76

Davis, Evelyn, commended—
HR 274, page 677

Davis, Gladys, best wishes extended—
HR 80, page 150

Davis, Jack Edward, commended—
HR 497, page 1944

Davis, Mike, commended—
HR 61, page 121

Davis, Naomi, commended—
HR 372, page 1114

Davis, Willie J., commended—
HR 220, page 473

DeMony, Mary Louise, commended—
HR 31, page 77

Denham, mr. and mrs. William Ottis, commended—
HR 471, page 1701

Department of corrections, supervised intensive restitution program, commended—
SJR 26, pages 89, 90, 299, 329

Designation of highways, roads and bridges, "David E. Temple" highway, named—
HJR 117, pages 268, 369, 376, 380

Dillard, Doyle M. III, commended—
HR 370, page 1098

District of Columbia, HJR 554, United States Congress, representation of, provided by, ratified—
HJR 426, page 1413

Dobbins, Henry L., commended—
HR 303, page 884
SJR 115, pages 553, 575

Douglas, James E., death mourned—
HR 265, page 662

Downing, George, commended—
HR 338, page 978

Drinkard, mr. and mrs. John Moody, congratulated—
HR 259, page 657

RESOLUTIONS (Continued)

Duncan, Rosie S., death mourned—
HR 158, page 355
HJR 159, pages 355, 395, 401, 422

Dunn, T.R., commended—
HJR 289, pages 781, 1181, 1214, 1299

Dying Shroud Award, awarded—
HR 514, page 2048

Earnest, James, congratulated—
HJR 165, pages 359, 395, 401, 422

Eastern time zone, secretary of transportation petitioned to transfer state to—
HJR 385, page 1217

Elections, governor urged to call—
HJR 217, page 446

Emanuel Davidson building, named—
HJR 416, pages 1376, 1455, 1457, 1536

Enhancement revenue measures, relating to—
HR 226, page 521

Ensley high school yellow jackets, commended—
HR 180, page 388

Enterprise rescue squad, commended—
HJR 364, pages 1059, 1132, 1140, 1180

Escatawpa river, national park service requested not to be put under Wild and Scenic Act—
HR 236, page 560

Escott, rev. Wedzell, Sr., commended—
HR 280, page 678

Eye foundation hospital, accreditation, congratulated—
SJR 219, pages 1078, 1211

Fairhope high school FFA quartet, commended—
HR 247, page 596

Farmers home administration, failure to fully utilize monies allocated, deplored—
SJR 55, pages 297, 299, 329

Federal aviation administration, rescinding approval of airport site in Sardis, requested—
HJR 351, page 1008
HR 352, page 1009

Feibelman, Herbert P., Jr., death mourned—
SJR 252, pages 1927, 1945

Fernandez, Yolanda Teresa, commended—
HJR 94, pages 184, 278, 281, 312

RESOLUTIONS (Continued)

Flag day—
HJR 243, pages 562, 645, 659, 825

Fleming, Karol Ruth, death mourned—
HR 239, page 561

Ford, Johnny, commended—
HR 306, page 906

Foreman, mr. and mrs. Hezekiah, Sr., commended—
HR 505, page 1945

Fowler, mrs. Gerald C., commended—
HR 129, page 294

Franklin, Rhonda Kay, commended—
HJR 136, pages 311, 370, 376, 380

Fraternal order of police, erection of memorial—
HR 448, page 1559
SJR 306, pages 1927, 1946

Fricks, Mona, commended—
HJR 384, pages 1216, 1925, 1941, 2078

Fruit growers, governor asked to obtain federal aid for—
HJR 50, pages 95, 368, 375, 379

Fulford, "Happy", commended—
HJR 110, pages 254, 369, 376, 380

Gallo, Martha Ibys, commended—
HJR 162, pages 357, 395, 401, 422

Gambrell, D. Joe, honored—
HR 523, page 2061

Garner, Leisha Lynn, commended—
HR 443, page 1556

Gary, Gloria, commended—
SJR 180, pages 1237, 1443

Gaston, dr. A.G., honored—
HR 428, page 1415

Gavin, James R., death mourned—
HJR 329, pages 962, 1667, 1690, 1933

Geneva and Houston counties, governor requested to petition the President to declare as federal disaster area—
HJR 478, pages 1747, 1932

Gill, Lonia M., commended—
SJR 268, pages 1498, 1658

Gipson, Earl, gratitude expressed—
HR 320, page 930
HJR 321, pages 930, 952, 957, 1090

Glenn, Onis, death mourned—
HJR 146, pages 331, 370, 377, 380

RESOLUTIONS (Continued)

Goodman, mr. and mrs. Ellis Eugene, commended—
HR 403, page 1367

Goodwyn junior high school pta, commended—
HR 131, page 294

Goodwyn, mr. and mrs. Leon, congratulating—
HJR 75, pages 147, 232, 233, 279

Goodyear Boulevard, named—
HJR 97, pages 201, 368, 375, 379
SJR 9, pages 87, 88, 300, 328

Governor notified legislature is in session—
HJR 2, pages 4, 96, 122

Governor, requested to set primary election dates—
HJR 166, page 360

Graddy, mr. and mrs. Woodrow, commended—
HR 29, page 77

Grande, mr. and mrs. Charles Jackson, commended—
HJR 252, pages 614, 645, 659, 826

Green, Joseph Walton, Jr., congratulated—
HJR 415, page 1375

Greer, J. Barton, death mourned—
HR 330, page 965

Grimmer, mr. and mrs. William H., commended—
HR 26, page 76

Grubb, Rebecca Lou Cunningham, death mourned—
HR 489, page 1943

Guice, mr. and mrs. Judson Luther, commended—
HR 440, page 1554

Gulf oil company, D.C. Ingle, R.D. Huckaby and Frank Odom, commended—
HJR 462, page 1696
HR 506, page 1945

Gundy, dr. Howard B., supported—
SJR 40, pages 266, 326

Guntersville high school basketball team, commended—
HR 19, page 72

Gwin, Bobby R., commended—
HR 369, page 1098

Hairston, Walter, Sr., commended—
HR 282, page 678

Hale memorial hospital, commended—
SJR 239, pages 1167, 1209

RESOLUTIONS (Continued)

Hall, Julian W., death mourned—
HJR 266, pages 662, 1181, 1213, 1299

Hamill, Robert G. II, commended—
HR 390, page 1220

Hammett, Susan, commended—
HR 293, page 795

Hampton, Ben, commended—
HJR 137, pages 324, 370, 377, 380

Hansen, Mary J., honoring—
HJR 437, pages 1553, 1565, 1576, 1680

Hanson, Clarence B., Jr., death mourned—
HJR 213, pages 445, 515, 522, 533

Hanson, Ruth Lawson, death mourned—
HJR 142, pages 327, 370, 377, 380

Hardin, Addie, commended—
HR 279, page 677

Harper, representative Taylor, commended—
HR 512, page 2047

Harrell, Julie Amanda, commended—
HR 442, page 1556

Harris, mr. and mrs. Elmer, commended—
HR 95, page 199

Harrison, Bealie, commended—
HR 215, page 446

Harry Campbell business and education building, named—
SJR 251, pages 1929, 2054, 2075

Hassell, Terri Lynn, commended—
HR 114, page 257

Hayes, Shana, commended—
HR 246, page 569

Hearn, dr. Thomas, Jr., commended—
HJR 348, pages 1004, 1668, 1690, 1933

Henry E. Higham avionics building, named—
HJR 40, pages 83, 91, 97, 122

Henry, Robert F. lock and dam, named—
SJR 28, pages 90, 91, 200

Henryville united methodist church, noted—
SJR 276, pages 1927, 1946

Henson, Marie, commended—
HR 278, page 677

RESOLUTIONS (Continued)

Henson, Rebecca Jean, commended—
HR 413, page 1375

Hermetz, rev. Harold G., commending—
HJR 511, page 2045

Hewitt-Trussville junior high school girls volleyball team, commended—
HJR 156, pages 354, 395, 401, 422

High, John, commended—
HR 227, page 528

Hirs, James M., commended—
HJR 125, pages 284, 369, 376, 380

Hocklander, judge Joseph Monroe, death mourned—
SJR 3, pages 87, 199

Holland, Red, commended—
SJR 177, pages 794, 864

Holy family high school, commended—
HR 323, page 931

Holy family high school tornadoes, commended—
HR 179, page 388

Holtville high school bulldogs, congratulated—
HJR 267, pages 663, 1181, 1213, 1299

Home of grace for women, inc., congratulated—
HR 474, page 1702

Homewood high school marching band, commended—
HJR 169, pages 363, 395, 402, 422

House elections, set aside—
HR 68, page 142

House rule 8, amended—
HR 164, page 358

House rule 21, amended—
HR 163, page 358

House rule 31a, amended—
HR 171, page 371

House rule 31a, deleted—
HR 149, page 333

House rule 50, amended—
HR 368, page 1097

Housing finance opportunity act of 1983, congress urged to pass—
HJR 118, page 269

Howard, rev. Robbie, commended—
HR 224, page 492

RESOLUTIONS (Continued)

Hudgins, Elmore "Scoop", honored—
HJR 38, pages 81, 186, 216, 234
HJR 198, pages 410, 514, 522, 533

Hughes, Louis "Gene", commended—
HR 194, page 408

Hudson, rev. W. Laurens, commended—
HJR 430, pages 1415, 1667, 1693, 1934

Humphries, Davis Smith "Son", death mourned—
HJR 447, pages 1558, 1566, 1576, 1680

Hurtsboro, city of, commended—
SJR 16, pages 89, 200

Ingram, Charles L. "Lou", death mourned—
HR 33, page 78

Ingram, Eloise, commended—
HR 526, page 2062

Interim commission on Alabama's engineering colleges, commended—
HR 504, page 1945

Interim commission on elementary and secondary science and mathematics, commended—
HJR 465, page 1698

Interim committee to study feasibility of creating a tele-comunications system for the state, created—
HJR 516, page 2048

Interim committee to study rising cost of health care, created—
HJR 524, page 1061
HR 527, page 2062

International paper company, erling riis laboratory, employees of, encouraged—
SJR 36, pages 233, 326

Isabella high school mustangs, commended—
HJR 208, pages 438, 515, 522, 533

Isphording, dr. Wayne, commended—
HR 391, page 1220

Jackson, Jesse, invited to address joint session of legislature—
HJR 176, pages 384, 395, 402, 423

Jackson, Lillie, commended—
HR 272, page 677

Jacksonville state university, commended—
HJR 148, pages 332, 370, 377, 380

Jacksonville state university baseball team, commended—
HJR 104, pages 251, 369, 375, 380

RESOLUTIONS (Continued)

Jacksonville state university basketball team, commended—
HJR 85, page 99

James, Gary M., commended—
HR 491, page 1943

Jefferson county board of education, urged to enter sailing race—
HJR 62, pages 121, 422, 437, 474

Jefferson county commission for economic opportunity, commended—
HR 112, page 256

Jefferson county sheriff's department, requested to use drug detection dogs—
HJR 56, page 98
HR 381, page 1212
HR 412, page 1373

Jewish community in Alabama, tribute paid—
SJR 318, pages 1928, 1946

Jim Fuller day, designated—
HJR 55, pages 98, 186, 216, 234

Johnson, Harvey, commended—
HR 444, page 1557

Johnson, Josie, commended—
HR 271, page 677

Johnson, mr. and mrs. Manuel, commended—
HR 200, page 411

Johnson, Willie, commended—
HR 273, page 677

Joint commission on accreditation of hospitals, commended—
HJR 310, pages 924, 951, 957, 1090
HJR 313, pages 926, 952, 957, 1090
HJR 326, pages 932, 952, 957, 1091
HJR 327, pages 944, 952, 958, 1091
HJR 332, pages 974, 1667, 1690, 1933
HJR 334, pages 976, 1667, 1690, 1933
HJR 337, pages 978, 1668, 1690, 1933
HJR 346, pages 998, 1668, 1690, 1933

Joint committee to study medicaid costs, health programs and impact of block grants, created—
HJR 42, page 85

Joint committee to study welfare policies and procedures, created—
HJR 41, page 84

Joint interim committee to study the purchase of a portion of Dauphin Island, created—
HJR 355, page 1035
HJR 361, page 1039

RESOLUTIONS (Continued)

Joint interim reapportionment committee, state comptroller urged to pay outstanding expenses incurred by—
HJR 477, pages 1730, 2053

Joint interim study committee for standardizing the legal age for consumption of alcoholic beverages, created—
HJR 347, pages 1002, 1705

Joint interim vocational education study committee, created—
HJR 8, pages 63, 231, 232, 279

Joint legislative committee to oversee audit of the teachers' retirement and employees' retirement systems, established—
SJR 56, page 264

Joint session held April 26—
HJR 47, pages 93, 122, 124, 125, 159

Joint session held to hear governors address—
HJR 3, pages 4, 82, 96, 122

Jones, Laddie, commended—
HJR 407, pages 1370, 1455, 1457, 1536

Jones, Robert E. "Bob" bridge named—
SJR 176, pages 794, 864

Kate Duncan Smith DAR high school basketball team, commended—
HR 52, page 96

Keith high school, commended—
HJR 76, pages 148, 232, 233, 279

Kelly, Ozema, commended—
HJR 18, pages 72, 132, 143, 159

Kelly, Yula M., congratulated—
HR 402, page 1367

Kennedy, Yvonne, congratulated—
HJR 10, pages 65, 185, 215, 234

King, John Zed, commended—
HJR 324, pages 931, 952, 957, 1091

King, Mary Allen, honoring—
HR 322, page 931

Kittrell, Steve, commended—
HJR 301, pages 882, 1182, 1214, 1299

Knox, John A., commended—
HR 216, page 446

Kohr, dr. Rosemarie, recognized—
HR 414, page 1375

Lackey, R. Julian, death mourned—
HJR 113, pages 256, 369, 376, 380
SJR 61, pages 267, 326

RESOLUTIONS (Continued)

Lang, Byron, death mourned—
HR 191, page 390

Lang, William H. III, commended—
HJR 197, pages 410, 645, 658, 825

Lanham, dr. Ben T., Jr., death mourned—
SJR 30, pages 90, 91, 200

Law awareness club, commended—
SJR 70, pages 297, 329

Lawrence county hospital, accreditation, congratulated—
SJR 220, pages 1078, 1211

Legislative fiscal responsibility investigative committee on appropriations, created—
HJR 9, page 64

Legislative intent, relative to HB 250—
HJR 67, page 131

Legislative meeting days—
SJR 233, pages 1057, 1093

Legislature, Alabama, oil and gas study committee, created—
SJR 256, pages 1751, 1752, 1753, 1945

Legislature, amending joint rules—
SJR 146, pages 792, 793

Legislature, fort Toulouse-fort Jackson legislative joint interim committee, created—
SJR 259, pages 1238, 1692, 2052

Legislature, standing committees, required to meet at capitol—
HR 433, pages 1480, 1481

Lee, Byron, death mourned—
SJR 11, pages 88, 89, 200

Lehr, Lewis, invited to address the legislature—
HJR 139, pages 325, 370, 371, 379

Lewis, Malcolm E., commended—
HR 304, page 884

Lewis, representative Duane, commended—
HR 501, page 1944
HJR 528, pages 2063, 2074, 2077, 2079

Limestone county prison facility, board of corrections and governor urged to delay opening bids or awarding contracts—
HR 410, page 372

Limestone county, roads damaged due to state prison construction, highway department urged to repair—
HR 409, page 1371

Loachapoka high school indians, commended—
SJR 34, pages 90, 91, 200

RESOLUTIONS (Continued)

Love, Wayne, family of, appreciation expressed—
HJR 134, pages 306, 369, 376, 380

Love, Wayne, memory honored—
SJR 103, pages 486, 487, 524

Lowery, mr. and mrs. Charles Cicero, commended—
HR 470, page 1701

Mac McKinzy gymnasium, named—
SJR 178, pages 794, 864

Madison county commission, commended—
SJR 8, pages 87, 88, 300, 328

Madison county delegation, commended—
HJR 105, pages 252, 369, 375, 380

Madison county elected officials salary commission, commended—
HJR 268, pages 664, 1182, 1213, 1299

Madison county tax distribution study committee, created—
HJR 210, pages 443, 1181, 1213, 1298

Management week, June 5-11, 1983, supported—
HJR 201, pages 412, 515, 522, 533

Manley, representative Rick, commended—
HJR 453, pages 1581, 1666, 1691, 1934

Mapes, William A., death mourned—
HR 490, page 1943

Marshall county poultry growers, commended—
HR 219, page 461

Martin-Aldridge Act, named—
HJR 522, pages 2061, 2074, 2077, 2079

Martin, Bobby, commended—
HR 178, page 388

Martin, Jason Brantley, commended—
HR 339, page 979

Martin, Marvin Todd, commended—
HR 451, page 1560

Masters, Brian, commended—
HJR 99, pages 202, 369, 375, 379

McCarty, Roger Gene, commended—
HR 353, page 1010

McCord, Larry, family, commended—
HR 328, page 962

McGee, judge Val L., commended—
HJR 422, pages 1410, 1667, 1691, 1934

McGill, Barron H., commended—
HJR 135, pages 310, 370, 376, 380

RESOLUTIONS (Continued)

McGraw, James Carroll, honored—
HJR 79, pages 149, 278, 280, 312

McGraw, Sandra Alford, commended—
HJR 109, pages 254, 369, 375, 380

McKinney, Beth, commended—
HR 459, page 1616

McLendon, Clyde P., appreciation and sympathy to his family, extended—
SJR 124, pages 791, 863

McMillan, mr. Charles Steven, commended—
SJR 10, pages 88, 299, 328

Medical association of the state of Alabama, commended—
HJR 396, pages 1225, 1668, 1691, 1933

Merrill, Jesse M., congratulated—
HR 203, page 412

Meunier, Mary Etta, death mourned—
SJR 48, pages 267, 328

Milk, Alabama state official beverage, made—
HR 360, page 1039

Miller, Ella Mae, commended—
HR 74, page 147

Mitchell, Lydell, honored—
HR 508, page 2042

Mitchell, Victor, congratulated—
HJR 386, pages 1219, 1925, 1942, 2078

Moates, L. Martin, commended—
HJR 77, pages 148, 278, 280, 312

Mobile international festival, congratulated—
HR 225, page 492

Mobile speech and hearing association, commended—
SJR 49, pages 267, 326

Moore, major general Robert Luston, commended—
HR 503, page 1945

Morrison, Danny C. field located Munny Sokol Park in Tuscaloosa, named as—
SJR 198, pages 897, 906

Morton, mr. and mrs. A.W., commended—
HR 483, page 1748

Moss, John Grady, commended—
HJR 312, pages 925, 951, 957, 1090

Munden, Charles G., commended—
HJR 184, pages 388, 645, 658, 825

RESOLUTIONS (Continued)

Municipal government, interim committee on, continued and reorganized—
HJR 441, pages 1554, 1722

National football foundation, Alabama chapter of, commended—
HJR 39, pages 82, 186, 216, 234

Neal colonial center, named—
SJR 77, pages 485, 524

New electric chair, prison system urged to buy—
HR 126, page 292

New state government tele-communications system, expeditious installation, urged—
SJR 271, pages 1499, 2054, 2075

Newton, Demetrius C., commended—
HR 69, page 143

Nicholson, mrs. George Albert, death mourned—
HR 388, page 1219

Night fighters' stamp, congress urged to approve—
HJR 230, pages 541, 645, 659, 825

Nixon, dr. E.D., honoring—
HJR 296, pages 878, 879, 1182, 1214, 1299

Novak, Tabor R., Jr., commended—
HR 389, page 1220

O'Connor, William J., death mourned—
HR 186, page 389

Offshore environmental rules, consistent with federal offshore environmental regulations, legislative intent and policy—
SJR 238, pages 1497, 1658

Oliver, dr. Charles, commended—
SJR 123, pages 553, 575

O'Rear, William Gunter, death mourned—
HJR 406, pages 1369, 1455, 1457, 1536

Orr, dr. Henry Porter, commended—
HJR 379, pages 1207, 1668, 1691, 1933

Otto, Calvin C., congratulated—
SJR 255, pages 1927, 1946

Ozment, James Franklin, commended—
HJR 408, pages 1371, 1455, 1457, 1536

Pankey, Chris, commended—
HR 359, page 1039

Pate, Jerry, commended—
HJR 519, page 2051

RESOLUTIONS (Continued)

Patterson, Daryl, commended—
HR 371, page 1114

Payne, dr. Charles L., commended—
HJR 264, pages 661, 1181, 1213, 1299

Payne, Cindy, commended—
HR 187, page 389

Perkins, Ray, commended—
HJR 48, pages 94, 186, 216, 234

Peterson, Hazel Adams, commended—
HJR 24, pages 75, 186, 215, 234

Phenix russell girls softball team, commended—
HR 487, page 1750

Phillips, Ann Winston, commended—
HR 128, page 294

Pi Kappa Phi Fraternity, commended—
HR 493, page 1493

Pitts, Lucy, commended—
HR 277, page 677

Pitts, reverend William A., commended—
HR 525, page 2062

Port of Mobile, home port for a new carrier battle group, secretary of navy urged to designate—
HR 457, page 1584

Powell, dr. William D., Jr., commended—
HJR 244, pages 568, 645, 659, 825

President and Congress, low prices paid to American farmers, memorialized to raise—
SJR 235, pages 1077, 1211

President and Congress memorialized to call upon citizens to renew allegiance to this country—
SJR 140, pages 791, 863

President and Congress, memorialized to prohibit importation of steel from British steel corporation—
HJR 258, pages 656, 871, 884, 899
SJR 172, pages 793, 864

President and Congress, petitioned to reestablish official governmental relations with the Republic of China—
HJR 232, page 542
SJR 153, pages 1929, 2054

President and Congress, William Bacon Oliver lock and dam, expedition of appropriation, urged—
SJR 249, pages 1236, 1444

RESOLUTIONS (Continued)

Prison commissioner, hiring of local people and buying equipment locally, Limestone county, requested—
HR 336, page 977

Pruitt, mr. and mrs. Raymond, commended—
HR 502, page 1944

Public service commission, deduction of advertising cost of Alabama Power Company for rate increase, demanded—
HJR 357, page 1036

Qualmann, Lance, honored—
SJR 263, pages 1927, 1946

Ratliff, William C., Jr., commended—
HJR 345, pages 994, 1732, 1738, 1936

Ray, Royce, III, commended—
HJR 253, pages 615, 645, 659, 826

Rayfield, David, commended—
HJR 231, pages 541, 645, 659, 825

Reapportionment, accounting of state funds, relative to, requested—
HR 260, pages 657, 658
HR 287, pages 778, 779

Rice, Mary Jane, commended—
HJR 214, pages 445, 515, 522, 534

Richardson, Lucious "Sonny", commended—
HJR 468, page 1700

Richardson, Nathaniel Alex, commended—
HJR 157, pages 354, 395, 401, 422
HR 170, page 364

Richburg, Tyree, commended—
HJR 11, pages 66, 185, 215, 234

Riesener, Bob, commended—
HJR 49, pages 94, 186, 216, 234

Rivers, David, death mourned—
HJR 473, page 1701

Robert E. Lee high school pta, commended—
HR 130, page 294

Roberts, George, commended—
HJR 257, pages 655, 1181, 1213, 1298

Robertson family, honored—
HR 317, page 928

Robertson, Jack, commended—
HR 58, page 99

RESOLUTIONS (Continued)

Robinson, Gerald P., commended—
HJR 59, pages 99, 187, 216, 234

Rosen, coach Mel, commended—
SJR 289, pages 1927, 1946

Rosenbush furniture company, commended—
HR 494, page 1943
HJR 513, page 2047

Royal Air Force coltishall, United Kingdom, England, commended—
SJR 150, pages 792, 864

Russell high school basketball team, commended—
HR 20, page 72

Savell, Lisa Carol, commended—
HJR 241, pages 561, 644, 659, 825

Sawyer, Kyle David, commended—
HJR 138, pages 324, 370, 377, 380

Schafer, reverend Philip, honored—
HR 316, page 928

Sears, Ralph W., commended—
HJR 449, pages 1559, 1566, 1576, 1680
HR 450, page 1560

Sego, Frank J., commended—
HJR 318, pages 928, 952, 957, 1090

Senate notified house is in session—
HR 1, page 4

Sigma Chi Fraternity, Eta Epsilon Chapter, commended—
HR 188, page 389

Simmons, Joe R., death mourned—
HJR 445, pages 1557, 1566, 1576, 1680

Singh, dr. Prem C., commended—
HR 53, page 96

Sipsey wilderness area, supported—
HJR 167, page 361

Skyline swim club, commended—
HR 182, page 388

Slater, William Leonard, death mourned—
HR 189, page 390

Small business, supported—
SJR 41, pages 297, 329

Smith, Bob, commended—
HR 500, page 1944

RESOLUTIONS (Continued)

Smith, Donald H., commended—
HJR 23, pages 74, 186, 215, 234

Smith lake civic association, commended—
HJR 469, page 1701

Smith, reverend James Arter highway, named—
SJR 179, pages 1237, 1443

Smith, Wallace Lee, Jr., commended—
HJR 358, pages 1038, 1668, 1690, 1933

Snider, John W., commended—
HJR 145, pages 330, 370, 377, 380

South highlands hospital, congratulated—
SJR 218, pages 1078, 1211

South Mobile county babe ruth all stars, commended—
HR 458, page 1595

Southern states energy board and southern growth policies board, related to—
SJR 223, pages 1079, 1211

"Special" arts education program of Mobile, invited to appear before house of representatives—
HR 325, page 932

Special order calendar—
HR 66, page 131
HR 83, page 161
HR 90, page 183
HR 133, pages 300, 302
HR 152, page 344
HR 223, page 489
HR 233, page 556
HR 250, pages 597, 609
HR 256, pages 646, 650
HR 295, pages 830, 833
HR 307, pages 906, 909, 911, 912, 915, 919
HR 344, pages 985, 989
HR 363, page 1041
HR 366, page 1093
HR 377, pages 1187, 1192
HR 400, page 1301
HR 401, pages 1331, 1333, 1335
HR 420, page 1386
HR 421, pages 1409, 1410
HR 436, page 1539
HR 475, pages 1702, 1704
HR 521, pages 2054, 2058, 2060, 2061

Spradley, dr. Lewis Harold, death mourned—
HJR 196 pages 409, 525, 528, 534

RESOLUTIONS (Continued)

Stanky, Eddie, recognized—
HJR 73, page 146
SJR 50, pages 267, 326

Stanley, John A., Sr., congratulated—
SJR 225, pages 1237, 1443

State employees, governor, requested to maintain number at present level—
HR 362, page 1040

State street ame zion church, commended—
HJR 373, pages 1136, 1732, 1739, 1936

Steiner, Russell R., commended—
SJR 42, pages 267, 326

Stephenson, mr. and mrs. Cecil, commended—
HR 482, page 1748

Stowers, John Walter, commended—
HJR 111, page 255
HR 340, page 979

Stuart, DeWitt Talmage, Jr., death mourned—
SJR 12, pages 89, 200

Sumter county commissioners, compensation, legislative intent, relative to—
HJR 393, page 1222

Supreme court advisory opinion relative to HB 247—
HR 315, page 927

Supreme court advisory opinion relative to HB 316—
HR 86, page 168

Supreme court advisory opinion relative to HB 698—
HR 374, page 1142
HR 382, page 1215

Supreme court advisory opinion relative to SB 451—
HR 476, page 1729

Supreme court advisory opinion relative to SB 560—
HR 486, page 1749

Supreme court urged to allow certain graduates to the bar exam—
HJR 116, pages 258, 306, 308, 342, 462

Surjanto, Judy, congratulated—
SJR 278, pages 1498, 1658

Tanner, mr. and mrs. David, congratulated—
HJR 15, pages 70, 185, 215, 234

RESOLUTIONS (Continued)

Tau kappa chapter of chi omega fraternity, university of Montevallo commended—
SJR 111, pages 485, 486, 524

Tau kappa epsilon fraternity and kappa delta sorority, university of south Alabama chapters, commended—
HR 185, page 389

Teacher-of-the-year program, department of education requested to establish—
HR 529, page 2064

Teachers' retirement system and employees' retirement system, joint committee to oversee, established—
HJR 290, pages 785, 871, 884, 899
HJR 333, pages 975, 1239, 1269, 1299

Teague, dr. Wayne, commended—
HJR 342, pages 979, 1732, 1738, 1936

Teer, James Ellis, commended—
HR 496, page 1944

Tennessee valley authority, commended—
HR 172, page 372

"The state trooper David Temple act", named—
HJR 463, page 1697

Third Alabama volunteer cavalry corps reactivated—
HR 12, page 67
HJR 13, page 68

Thomas, Sarah Elizabeth Pepper, best wishes extended—
HR 155, page 353

Thornton, Donna Jean, commended—
HJR 291, pages 789, 1181, 1214, 1299

Three on a string, commended—
SJR 120, pages 553, 575

Top of Alabama regional council of governments, funding of request of, urged—
HR 392, page 1220

Tuck, mr. and mrs. Carl, commended—
HR 21, page 73

Tumlin, Charlie Wade, death mourned—
HR 308, page 919

Turner, Howard J., Jr., commended—
HJR 398, pages 1280, 1666, 1691, 1933

Turner, mr. and mrs. Alvin, commended—
HR 485, page 1748

Turner, representative J.E., praising—
HR 434, page 1522

Turnham, Henry, death mourned—
HJR 70, pages 144, 231, 232, 279

RESOLUTIONS (Continued)

Tuscaloosa county, committee to study public education in, created—
SJR 335, pages 2044, 2076

Two-year colleges, joint interim committee to study, created—
HJR 84, pages 167, 168

UAB special studies, congratulated—
HR 472, pages 1701

Ullman high school classes of 1958, 1959, 1960 and 1969, commended—
HJR 262, pages 661, 1181, 1213, 1299

University of Alabama baseball team, commended—
HJR 177, pages 386, 645, 658, 825

University of Alabama-Huntsville ice hockey team, commended—
SJR 7, pages 87, 200

University of south Alabama and Mobile and Baldwin county delegations, appreciation expressed—
HJR 432, pages 1479, 1566, 1576, 1680

Valley school, honoring—
HJR 467, page 1699

Varnado, Jimmy, commended—
HR 218, page 449

Vickrey, dr. James F., commended—
HJR 269, pages 664, 1181, 1214, 1299
HJR 424, pages 1411, 1667, 1691, 1934

Volunteers of Alabama and nation, honored—
SJR 4, pages 87, 199

Waldrop, Keria Dawn, commended—
HR 51, page 96

Walker college academic bowl team, commended—
HJR 427, pages 1414, 1667, 1691, 1934

Walker, Ellen H., commended—
HJR 32, pages 77, 121, 122, 159

Wallace, George C., commended—
HJR 7, pages 62, 368, 375, 379

Wallace, George C., public officials called on to support—
HJR 14, pages 70, 381, 396, 422

Ward, Thomas Bestor, III, commended—
HR 30, page 77

Warren, Earl, commending—
HR 488, page 1750

Washburn, Dan, honored—
HJR 6, page 61, 185, 215, 234

RESOLUTIONS (Continued)

Watkins, Connie, commended—
HR 311, page 925

Watkins, Jamie Luan, commended—
HR 27, page 76

Weaver, mr. and mrs. Charlie Edmondson, commended—
HR 438, page 1554

Weaver, Keith, commended—
HR 57, page 99

Webster, mr. and mrs. Harvey Wilson, Sr., honored—
HJR 251, pages 614, 645, 659, 826

Wendland, Milton, commended—
SJR 29, pages 90, 91, 200

West Alabama general hospital, commended—
SJR 234, pages 1077, 1211

West, Emily, commended—
HR 89, page 181

West point high school, commended—
HJR 121, pages 282, 302, 308, 342

Whaley, mrs. Tex, commended—
HR 154, page 353

Whatley, dr. Booker T., honored—
SJR 89, pages 486, 524

Wheeler, Tom, commended—
HR 480, page 1748

White, mr. and mrs. Graham, commended—
HR 270, page 665

White, John H., commended—
HJR 34, pages 78, 186, 215, 234

Wilbourn, Robert, death mourned—
HR 96, page 201

William Beck health and fine arts building, named—
HJR 518, page 2050
SJR 253, pages 1929, 2054, 2075

Williams, Bernard, commended—
HR 429, page 1415

Williams, Carrie, commended—
HR 281, page 678

Williams, Dewey P., commended—
HJR 245, pages 568, 645, 659, 826
SJR 154, pages 793, 864

RESOLUTIONS (Continued)

Williams, George Frank, Jr., commended—
HJR 106, pages 252, 369, 375, 380
HJR 168, pages 362, 395, 402, 422

Williams, Phillip, commended—
HJR 98, pages 201, 279, 281, 312

Williams, Tammy, congratulated—
HR 202, page 412

Williams, representative Nolan, commended—
HJR 455, pages 1583, 1732, 1739, 1936

Williamson, Jeanine, commended—
HJR 93, pages 184, 278, 280, 312

Wilson, Larry, commended—
HR 439, page 1554

Winchester, Rex W., death mourned—
HJR 461, page 1696
HR 509, page 2042

Wind creek mummers, commended—
HJR 147, pages 332, 370, 377; 380

Woolley, W.O., commended—
HR 240, page 561

Workmens compensation act, interim committee to study, created—
HJR 367, pages 1096, 1098, 1692

Young, dr. Jerry D., death mourned—
SJR 157, pages 792, 864

RESTITUTION

Convicted felons ordered to pay, statement of assets and income required—
HB 618, pages 391, 605
HB 695, page 540

Time within which payments shall be transmitted specified—
HB 315, page 110

RESTITUTION ORDERS

Board of pardons and paroles has no power to pardon or restore rights until all restitution has been made—
HB 249, pages 52, 237, 628

Court ordered income withholding as a means of enforcing—
HB 478, pages 195, 605, 778, 1517
SB 312, pages 1485, 1549

Criteria and procedures—
HB 480, pages 196, 1024, 1146

Final judgment in criminal case—
HB 246, pages 52, 238, 626, 1341, 1342, 1374, 1379

RETIRED TEACHERS ASSOCIATION

Employees and officers of, may become members of teachers retirement system—
HB 115, pages 26, 127

RETIREMENT PAY

Firemen, exempt from state or local income tax—
HB 407, page 140

RETIREMENT SYSTEM

Department head appointed by governor who has been a member of, and has been a county engineer, repayment of withdrawn service—
SB 433, pages 1484, 1485, 1688

RETIREMENT SYSTEMS

Employees, county officers and employees deemed blind, minimum benefit allowance, entitled to—
HB 526, pages 286, 902, 1330

Employees, early retirement under provided for—
HB 623, page 392

Employees, office of presecution services employees eligible for—
HB 342, pages 115, 313, 893, 894

Employees, surviving beneficiaries, fixed cost of living increase provided—
HB 439, page 187

Judicial, judges application for retirement based on mental or physical disability, medical board to make recommendation to chief justice—
HB 467, page 193

Military service, reopened for—
HB 697, pages 540, 1031, 1145, 1146
HB 702, page 563
SB 175, pages 823, 824, 1384

Municipal allowances from, exempt from income taxation—
HB 147, page 33

Sheriffs, maximum of certain creditable service provided for—
HB 789, page 877

South Africa or Namibia, prohibited from investing with companies doing business with—
HB 290, page 59

State employees, reopened for school bus drivers, mechanics and maintenance workers—
HB 852, pages 1035, 1356

State policemen, alcoholic beverage control board employees, certain, to be considered as active members of—
HB 659, page 439

RETIREMENT SYSTEMS (Continued)

Teachers and employees, cost-of-living increase, eligibility—
HB 11, page 7

Teachers and employees preretirement death benefit program created—
HB 403, page 139
SB 227, pages 971, 972, 1355, 1580, 1585, 1694

Teachers and employees, purchase of withdrawn service time from, credited to judicial, provided for—
HB 682, pages 480, 1353

Teachers and employees, reopened—
HB 216, pages 46, 903

Teachers and employees, joint committee to oversee, established—
HJR 290, pages 785, 871, 884, 899
HJR 333, pages 975, 1239, 1269, 1299

Teachers and employees, transfer between provided—
HB 311, pages 109, 903

Teachers and state employees, retired insurance plan for, funded—
HB 769, page 873

Teachers, death of member, beneficiaries—
HB 166, page 37

Teachers, five year requirement for purchasing credit for previously withdrawn service restored—
HB 345, page 116

Teachers, retired teachers association, employees and officers of, may become member of—
HB 115, pages 26, 127

REVENUE COMMISSIONERS

Minimum compensation—
HB 489, pages 198, 1030
SB 410, pages 1661, 1685

REVENUE DEPARTMENT

State owned motor vehicles, standards of, exempt from—
HB 498, pages 246, 316, 344, 550, 799

REVISED ALABAMA PROFESSIONAL CORPORATION ACT

Corporations regulated—
HB 151, pages 34, 237, 1304, 1305
SB 119, pages 823, 983, 1304, 1444

RICE, MARY JANE

Commended—
HJR 214, pages 445, 515, 522, 534

RICHARDSON, LUCIOUS "SONNY"

Commended—
HJR 468, page 1700

RICHARDSON, NATHANIEL ALEX

Commended—
HJR 157, page 354, 395, 401, 422
HR 170, page 364

RICHBURG, TYREE

Commended—
HJR 11, pages 66, 185, 215, 234

RIGHTS-OF-WAY

Acquisition of, by private parties—
SB 89, pages 814, 815, 1382

RIESENER, BOB

Commended—
HJR 49, pages 94, 186, 216, 234

RIVERS, DAVID

Death mourned—
HJR 473, page 1701

ROADS AND HIGHWAYS

Aircraft, landing of, on, prohibited—
HB 355, pages 118, 437, 1314, 1315

ROBERT E. LEE HIGH SCHOOL PTA

Commended—
HR 130, page 294

ROBERTS, GEORGE

Commended—
HJR 257, pages 655, 1181, 1213, 1298

ROBERTSON FAMILY

Honored—
HR 317, page 928

ROBERTSON, JACK

Commended—
HR 58, page 99

ROBINSON, GERALD P.

Commended—
HJR 59, pages 99, 187, 216, 234

ROOMING HOUSES

Regulated—
HB 86, page 21
HB 452, page 190

ROSEN, COACH MEL

Commended—
SJR 289, pages 1927, 1946

ROSENBUSH FURNITURE COMPANY

Commended—
HR 494, page 1943
HJR 513, page 2047

ROYAL AIR FORCE COLTISHALL UNITED KINGDOM ENGLAND

Commended—
SJR 150, pages 792, 864

RULE CHANGE

House rule 8, amended—
HR 164, page 358

House rule 21, amended—
HR 163, page 358

House rule 31a, amended—
HR 171, page 371

House rule 31a, deleted—
HR 149, page 333

House rule 50, amended—
HR 368, page 1097

RUBELLA VACCINE

Department of public health, appropriation provided for purchase of—
HB 765, pages 767, 902, 1269

RUSSELL HIGH SCHOOL BASKETBALL TEAM

Commended—
HR 20, page 72

SALES AND USE TAX

Wood or wood residue used in production of heat or power, exempt—
HB 538, page 289

SALES TAX

Definitions clarified—
HB 534, pages 288, 762, 1119, 1124, 1743, 1744, 1936
HB 535, pages 289, 762, 1125, 1128, 1744, 1744, 1936
HB 538, page 289

Levying, collecting and reporting of—
HB 25, page 10

SANITARIANS

Registration of, provided for—
HB 728, page 611

SANITARIANS-IN-TRAINING

Registration of, provided for—
HB 728, page 611

SANITATION SERVICES CONTRACTS

Competitive bid law, exempt from—
SB 68, pages 593, 594, 763, 1302, 1303, 1315, 1444

SARALAND

City of, boundaries altered—
HB 717, page 566

SAVELL, LISA CAROL

Commended—
HJR 241, pages 561, 644, 659, 825

SAVINGS AND LOAN ASSOCIATIONS

State banks allowed to own outside Alabama—
HB 370, pages 132, 162, 523, 525, 526, 580, 583, 588, 686, 777

SAWDUST

Poultry farming, for use in, hauling of, exempt from truck weight restrictions—
SB 238, pages 1084, 1085, 1688

SAWYER, KYLE DAVID

Commended—
HJR 138, pages 324, 370, 377, 380

SCHAFER, REVEREND PHILIP

Honored—
HR 316, page 928

SCHOOL BUS DRIVERS

Sick leave accumulation, increased—
HB 43, page 13
HB 97, pages 23, 1354

SCHOOL BUS DRIVERS AND MECHANICS

State employees retirement system reopened for—
HB 852, pages 1035, 1186, 1423

SCHOOL BUSES

Overtaking and passing, prohibited—
SB 143, pages 969, 969, 1024

SCHOOL OFFICIALS

Boards of education required to defend, in civil actions due to performance of duties—
HB 502, page 246

SCHOOL PERSONNEL

Tuberculosis test of, to be by rule of state board of health—
HB 497, pages 245, 396

SCHOOL TRUSTEES

Office of, abolished—
HB 344, pages 116, 242, 1143, 1144

SCHOOLS

Instructional materials and supply fund, budget in each, developed for expenditure of—
HB 381, pages 135, 1026
SB 233, pages 1082, 1083, 1355, 1586, 1588, 1667, 1694

Public, employees of, controlled substances, communications concerning, liability exemptions—
HB 27, pages 10, 604, 1289

Public, prayer in, provided for—
HB 793, page 877

SEAFOODS

Dealer/processor license created—
HB 62, pages 17, 243

Marine resources licenses, expiration date set—
HB 61, pages 16, 243

Seafood law violations, maximum fine increased—
HB 67, pages 17, 1361

Shrimping by persons other than licensed bait shrimp dealers—
HB 63, pages 17, 398, 1301

SEAFOODS ADVISORY BOARD

Established—
HB 66, pages 17, 1027

SEARCH WARRANTS

Night time, conditions for the issuance of, prescribed—
HB 253, pages 53, 129

SEARS, RALPH W.

Commended—
HJR 449, pages 1559, 1566, 1576, 1680
HR 450, page 1560

SECRETARY OF STATE

Appropriation, supplemental provided—
SB 385, pages 819, 819, 1355, 2068, 2076

SECURITIES BROKERS AND DEALERS

Regulated—
SB 508, pages 1348, 1349, 1551

SECURITY AGREEMENTS

Agriculture, after acquired collateral—
HB 145, pages 32, 429
SB 97, pages 818, 819, 1361, 1573, 1658

SEGO, FRANK J.

Commended—
HJR 318, pages 928, 952, 957, 1090

SENATE

Notified house is in session—
HR 1, page 4

SENATE DISTRICT 8

Economic development committee, created—
SB 407, pages 1495, 1496, 1545

SENIOR CITIZEN CENTERS

Program to fund, created—
HB 615, page 390

SENIOR CITIZENS

Insurance rates reduced upon completion of motor vehicle accident prevention courses—
HB 806, page 923

SENIOR CITIZENS HALL OF FAME

Established—
HB 574, pages 322, 397, 1290
SB 369, pages 969, 969, 1025, 1290, 1445, 1676, 1677, 1678, 1739

SENTENCES TEN YEARS OR LESS

Minimum and maximum term of confinement increased—
HB 257, pages 53, 1381
SB 154, pages 1486, 1487, 1549

SENTENCING REPORTS

Statement of impact upon victim, of crime, to contain—
HB 608, page 352

SERVICE TERRITORIES

Electric suppliers, provided for—
HB 512, pages 248, 396, 536

SEVENTEEN YEAR OLDS

Blood, allowed to donate—
SB 111, pages 1178, 1386

SHAKESPEARE FESTIVAL THEATRE FINANCE AUTHORITY

Authorized and incorporated—
HB 128, pages 28, 126, 344, 530, 827, 828, 899

SHELBY COUNTY

Alcoholic beverage retailers, licensing of—
HB 916, pages 1207, 1365, 1435, 1436, 1707, 1737, 1936
SB 557, pages 1493, 1685, 2065, 2076

Board of education, election and tenure of—
HB 419, page 142

Building codes, county commission to adopt—
SB 400, pages 590, 591

SHELBY COUNTY (Continued)

Coroner, term of office, expense allowance, deputy coroner salary and expense allowance—
HB 328, pages 112, 537, 577, 1708, 1733, 1935

County commission to set salary rates—
HB 704, page 564

Outdoor musical concerts, regulated—
HB 443, pages 188, 346, 450, 458, 1708, 1733, 1935
SB 563, pages 1664, 1665

Probate judges office, license issuing division in, created—
HB 703, pages 563, 1187
SB 562, pages 1663, 1665, 1687, 2068, 2076

Utilities prohibited from furnishing service until certificate of sanitation is issued—
HB 679, pages 479, 1094, 1241

Work on private property, county engineer to have powers and duties regarding—
HB 705, page 564

SHERIFFS

Deputy, employment, service, disciplining and dismissal regulated—
HB 235, pages 50, 606

SHERIFFS RETIREMENT SYSTEM

Creditable service, maximum of certain, provided for—
HB 789, page 877

SHRIMP

Catching of, by persons other than licensed bait shrimp dealers—
HB 63, pages 17, 398, 1301

SHRINE AMUSEMENT AND FUND RAISING EVENTS

Taxation, exempt—
HB 200, page 43

SHRINE CIRCUS

Taxation, exempt—
HB 200, page 43

SICK LEAVE

Local boards of education to pay lump sum to employees leaving system for accumulated—
HB 414, page 141

School bus drivers and support personnel, accumulation increased—
HB 43, page 13
HB 97, pages 23, 1354

SICKLE CELL DISORDERS AND OTHER HEMOGLOBINOPATHY TREATMENT PROGRAM

Established—
HB 136, page 31

SIGMA CHI FRATERNITY

Commended—
HR 188, page 389

SIMMONS, JOE R.

Death mourned—
HJR 445, pages 1557, 1566, 1576, 1680

SINGH, DR. PREM C.

Commended—
HR 53, page 96

SIPSEY WILDERNESS AREA

Supported—
HJR 167, page 361

SIXTY-FIVE YEARS AND OLDER

Junior college classes, allowed to attend tuition free—
HB 319, page 111

SKYLINE SWIM CLUB

Commended—
HR 182, page 388

SLATER, WILLIAM LEONARD

Death mourned—
HR 189, page 390

SMALL BUSINESS

Supported—
SJR 41, pages 297, 329

SMALL BUSINESS ASSISTANCE CORPORATION

Established—
HB 665, pages 440, 608, 1598, 1612, 1614

SMALL CLAIMS ACTIONS

Amount of jurisdiction increased—
HB 782, page 875

SMALL LOAN ACT

Licensees under, annual reports of—
HB 496, pages 245, 428, 1277

Licensees under, license fee increased—
HB 501, page 246

SMITH, BOB

Commended—
HR 500, page 1944

SMITH, DONALD H.

Commended—
HJR 23, pages 74, 186, 215, 234

SMITH LAKE CIVIC ASSOCIATION

Commended—
HJR 469, page 1701

SMITH, REVEREND JAMES ARTER

Portion of highway 50, named as—
SJR 179, pages 1237, 1443

SMITH, WALLACE LEE, JR.
Commended—
HJR 358, pages 1038, 1668, 1690, 1933

SNEAD

Town of, boundaries altered—
HB 875, pages 1197, 1363, 1427

SNIDER, JOHN W.

Commended—
HJR 145, pages 330, 370, 377, 380

SOCIAL WORKERS

Mental health services of, to be included under hospital or medical insurance—
HB 750, pages 652, 1361
SB 491, pages 1348, 1349

SOIL AND WATER CONSERVATION COMMITTEE

Supplemental appropriation—
HB 492, page 198

SOIL PERCOLATION TESTS AND SOIL BORINGS

State health department to establish training program for—
HB 199, pages 42, 241, 1175
SB 129, pages 972, 972, 1544

SOUTH AFRICA

Retirement systems prohibited from investing with companies doing business with—
HB 290, page 59

SOUTH HIGHLANDS HOSPITAL

Accreditation, congratulated—
SJR 218, pages 1078, 1211

SOUTH MOBILE COUNTY BABE RUTH ALL STARS

Commended—
HR 458, page 1595

SOUTHEAST INTERSTATE LOW-LEVEL RADIOACTIVE WASTE MANAGEMENT COMPACT

Alabama to conform with other states in—
HB 142, pages 32, 102, 345, 495, 1379, 1388, 1536

SOUTHEASTERN LEAGUE DIXIE YOUTH BASEBALL, INC.

Sales and use taxes, exempt—
SB 401, pages 1490, 1546

SOUTHERN GROWTH POLICIES BOARD

Related to—
SJR 223, pages 1079, 1211

SOUTHERN LEAGUE DIXIE YOUTH BASEBALL, INC.

Sales and use taxes, exempt—
SB 401, pages 1490, 1546

SOUTHERN STATES ENERGY BOARD

Related to—
SJR 223, pages 1079, 1211

SOUTHWIND DRUM AND BUGLE CORPS

Sales and use taxes, exempt—
SB 125, pages 1483, 1484

SOYBEANS AND SOYBEAN PRODUCTS

Assessments levied for the promotion of—
HB 178, pages 38, 314
SB 193, pages 819, 819, 1027, 1298

SPACE SCIENCE EXHIBIT COMMISSION

Lodging and parking facilities, bonds for, issuance of—
HB 671, pages 441, 536, 895
SB 434, pages 821, 822, 1027, 1316, 1455, 1474

"SPECIAL" ARTS EDUCATION PROGRAM OF MOBILE

Invited to appear before house of representatives—
HR 325, page 932

SPECIAL EDUCATIONAL TRUST FUND BUDGET

Provided—
HB 245, pages 51, 761, 833, 863, 865, 868, 868, 869, 1753, 1793, 1794, 1795, 1941, 2078

SPECIAL ELECTIONS

Conduct of, provided for—
HB 839, page 1032

SPECIAL ORDER CALENDAR

Provided—
HR 66, page 131
HR 83, page 161
HR 90, page 183
HR 133, pages 300, 302
HR 152, page 344
HR 223, page 489
HR 233, page 556
HR 250, pages 597, 609
HR 256, pages 646, 650
HR 295, pages 830, 833
HR 307, pages 906, 909, 911, 912, 915, 919
HR 344, pages 985, 989

SPECIAL ORDER CALENDAR (Continued)

HR 363, page 1041
HR 366, page 1093
HR 377, pages 1187, 1192
HR 400, page 1301
HR 401, pages 1331, 1333, 1335
HR 420, page 1386
HR 421, pages 1409, 1410
HR 436, page 1539
HR 475, pages 1702, 1704
HR 521, pages 2054, 2058, 2060, 2061

SPRADLEY, DR. LEWIS HAROLD

Death mourned—
HJR 196, pages 409, 525, 528, 534

SQUARE DANCING

Thirty-fourth national square dance convention, sales and use taxes, exempt—
HB 805, pages 922, 1031, 1116, 1709, 1735, 1935

STANKY, COACH EDDIE

Congratulated—
HJR 73, page 146
SJR 50, pages 267, 326

STANLEY, JOHN A., SR.

Congratulated—
SJR 225, pages 1237, 1443

STATE AGENCIES

Revenues, distribution of, by, to counties and municipalities, procedures prescribed—
HB 286, pages 58, 101, 790, 1666, 1689, 1933

STATE AGENCIES AND DEPARTMENTS

Budget management by—
SB 305, pages 1178, 1350

STATE APIARIST

Provided for—
HB 398, pages 138, 236

STATE ARCHERY HUNTING LICENSE OR STAMP

Provided for—
HB 781, page 875

STATE AUDITOR

Inventory, submission of, to regulated—
SB 447, pages 1178, 1179, 1358

STATE BANKS

Savings and loan associations, allowed to own outside Alabama—
HB 370, pages 132, 162, 523, 525, 526, 580, 583, 588, 686, 777

STATE BOARD OF BARBER EXAMINERS

Established—
HB 485, page 197
SB 47, pages 815, 815, 1025

STATE BUSINESS

Persons traveling on, per diem and mileage allowance—
HB 302, page 107
SB 69, pages 1179, 1354, 1589, 1694

STATE DOCKS

Decatur-Morgan county port authority, facilities transferred to—
HB 598, page 350

Florence-Lauderdale county port authority, property conveyed to—
HB 441, pages 188, 240, 344, 795, 797, 797, 1061, 1097, 1180
SB 291, pages 592, 594, 1359

STATE DOCKS ADVISORY COMMITTEE

Executive director of the greater Mobile port council to be included on—
HB 571, pages 321, 426

STATE EMPLOYEES

Classified, dismissal procedures for—
HB 215, pages 46, 101, 1072, 1074, 1075
SB 93, pages 821, 822, 904, 1074, 1211, 1672, 1673, 1674, 1675, 1739

Delay in payment of salaries, additional seven days—
HB 280, pages 57, 101, 785, 787, 1379, 1388, 1536

Governor requested to maintain number at present level—
HR 362, page 1040

Longevity pay, provided—
HB 177, page 38

Merit system vacancies, filling of by laid-off employees—
HB 154, pages 34, 240, 1134, 1135
SB 40, pages 815, 815, 904, 1135, 1209

Military preference during lay-off of—
HB 99, pages 23, 239

Moving expenses, reimbursed for—
HB 232, page 50
SB 83, pages 822, 823, 1355

Pay periods changed to pay days—
HB 281, pages 57, 101, 787, 788, 1379, 1388, 1536
SB 263, pages 966, 967

Payroll deductions provided for—
HB 103, pages 24, 102, 1298
SB 102, pages 1080, 1357

STATE EMPLOYEES (Continued)

Political rights of—
HB 402, pages 139, 237, 1130, 1131
SB 250, pages 818, 819, 904, 1130, 1210

Retired, insurance plan for, funded—
HB 769, page 873

Wrongful acts or omissions, liability insurance to cover, for, provided—
HB 211, page 45
SB 109, pages 970, 971, 1025, 1275, 1443, 1687

STATE EMPLOYEES INSURANCE BOARD

Membership provided for—
HB 461, pages 192, 429, 1117

State employees members of, provided for—
HB 191, pages 41, 129, 1276, 1660, 1689, 1933
SB 248, pages 1178, 1357

STATE FIRE MARSHAL

Assistants to, provided further for—
HB 529, pages 287, 430, 1285

STATE FLAG

Designers of, memorial placed in capitol, honoring—
HB 123, page 28

STATE GOVERNMENT

New state government tele-communications system, expeditious installation, urged—
SJR 271, pages 1499, 2054, 2075

STATE HEALTH PLANNING AND DEVELOPMENT AGENCY

Advisory Council for, provided for—
HB 722, pages 567, 607, 1313

STATE HOLIDAYS

Dates altered—
HB 791, page 877

Holiday of the confederacy observed—
HB 607, page 351

Martin Luther King, Jr., birthday observed as—
HB 602, page 351
HB 603, page 351

STATE OF ALABAMA

Appeal by, in criminal cases, provided for—
HB 78, page 20
HB 268, pages 56, 605

Contracts entered into by, required to be executed in timely manner—
HB 262, pages 54, 426
HB 606, pages 351, 400
HB 642, page 406

STATE OF ALABAMA (Continued)

Fiscal year changed—
HB 718, pages 566, 607

Jury trial, allowed to have in felony cases where right has been waived—
HB 274, pages 56, 1383

Office space rented by, rent ceiling prescribed—
HB 64, page 17

STATE OFFICERS AND EMPLOYEES

Paid on an annual basis, time of payment of—
HB 577, page 322

STATE OFFICES

Filling of vacancies in—
HB 156, pages 35, 429

STATE OWNED MOTOR VEHICLES

Standards of, revenue department exempt from—
HB 498, pages 246, 316, 344, 550, 799

STATE PARI-MUTUEL RACING COMMISSION

Created—
HB 581, page 323

STATE PARKS

Disabled persons admitted free—
HB 453, pages 190, 243, 1170

Persons sixty-two or older exempt from fees, permits or charges at—
HB 548, page 291

STATE PERSONNEL BOARD

Composition of—
HB 215, pages 46, 101, 1072, 1074, 1075
SB 93, pages 821, 822, 904, 1074, 1211, 1672, 1673, 1674, 1675, 1739

STATE PERSONNEL DEPARTMENT

Deputy sheriffs employment, service, disciplining and dismissal regulated by—
HB 235, pages 50, 606

STATE POLICEMEN

Beer and license division employees of the alcoholic beverage control board defined as—
HB 547, page 291

STATE PRISONERS

Housed in county jails, appropriation to cover cost of—
HB 100, page 23

STATE PROJECTS

Property values, affecting, notice required—
HB 48, pages 14, 1357

STATE STREET AME ZION CHURCH

Commended—
HJR 373, pages 1136, 1732, 1739, 1936

STATE TEXTBOOK ALLOCATION FUND

Appropriation provided—
HB 332, page 113

STATE TREASURER

Coupon bonds converted into registered bonds, requirements and duties of—
HB 463, pages 192, 428

STATE TROOPER DAVID TEMPLE ACT

Named—
HJR 463, page 1697

STATEWIDE VOTER FILE MAINTENANCE SYSTEM

Established—
HB 580, page 323

STATUTE OF LIMITATIONS

Certain designated actions, on—
HB 310, page 109

ST. CLAIR COUNTY

Death certificates, county health officers authorized to issue—
HB 226, pages 48, 131, 206, 521, 790, 797, 826

STEINER, MR. RUSSELL R.

Commended—
SJR 42, pages 267, 326

STEPHENSON, MR. AND MRS. CECIL

Commended—
HR 482, page 1748

STOCK EXCHANGES

Dissenting shareholders rights—
HB 195, pages 42, 102, 1169, 1170
SB 120, pages 972, 972, 983, 1169, 1209

STOWERS, JOHN WALTER

Commended—
HR 340, page 979
HJR 111, page 255

STUART, DEWITT TALMAGE, JR.

Death mourned—
SJR 12, pages 89, 200

STUDENTS

Idiopathic scoliosis, testing of, for—
SB 411, page 1179

SUMTER COUNTY

Beer tax to be administered by probate judge—
HB 723, pages 567, 608, 666

Circuit clerk, expense allowance, provided—
HB 327, pages 112, 164, 207

Probate judge allowed to employ clerks—
HB 206, pages 44, 104, 154

Tax assessor, clerks, authorized to employ—
HB 455, pages 191, 282, 364

Tax collector, clerks, allowed to employ—
HB 372, pages 133, 182, 275

Waste, hazardous or non-hazardous, fee for storage or dumping, levied—
HB 669, pages 441, 477, 543, 1190, 1221, 1299

SUMTER COUNTY COMMISSION

Compensation, legislative intent, relative to—
HJR 393, page 1222

SUNSET

Architects, board of registration of—
HB 367, pages 120, 239, 387, 582, 588, 595

Bar examiners, board of, continued—
HB 366, pages 120, 239, 387, 583, 588, 595

Board of registration of professional engineers and land surveyors, continued—
HB 549, page 291

Coastal area board, continued—
HB 362, pages 119, 238, 385

Landscape architects, board of examiners of, continued—
HB 365, pages 119, 239, 386, 582, 588, 595

Licensing board for general contractors, continued—
HB 364, pages 119, 238, 385, 582, 587, 595

Polygraph examiners board, continued—
HB 361, pages 119, 238, 384, 582, 587, 595

Professional engineers and land surveyors, board of registration for, continued—
HB 363, pages 119, 238, 385, 582, 587, 595

SUNSET LAW

Repealed—
HB 71, page 18

SUNSET LAW OF 1976

Repealed—
HB 194, pages 42, 102

SUPERINTENDENT OF EDUCATION

County, qualifications—
HB 172, page 38
HB 173, page 38

State, election of—
HB 863, page 1194

SUPERINTENDENTS OF EDUCATION

County, appointment of all, provided for—
HB 318, page 111

SUPERNUMERARY OFFICIALS

Minimum qualifications reduced, contributions increased—
HB 354, pages 118, 314
SB 188, pages 817, 818, 1384, 1574, 1578, 1694

SUPPORT PAYMENTS

Ordered by trial courts, to whom payments to be made, provided for—
HB 459, pages 191, 434
SB 335, pages 1662, 1685

SUPPORT PERSONNEL

Sick leave accumulation, increased—

HB 43, page 13
HB 97, pages 23, 1354

SUPREME COURT

Urged to allow certain graduates to the bar exams—
HJR 116, pages 258, 306, 308, 342, 462

SUPREME COURT ADVISORY OPINIONS

Relative to HB 247—
HR 315, page 927

Relative to HB 316—
HR 86, page 168

Relative to HB 698—
HR 374, page 1142
HR 382, page 1215

Relative to SB 451—
HR 476, page 1729

Relative to SB 560—
HR 486, page 1749

SURETIES

Married women and minors appearing as witnesses for prosecution must procure—
HB 138, pages 31, 315

SURJANTO, JUDY

Congratulated—
SJR 278, pages 1498, 1658

SWIMMING POOL CONTRACTOR

Defined as a general contractor—
HB 50, page 14

SWINE DISEASES

Eradication and control of—
HB 360, pages 119, 399, 809, 813

TABLE WINE

Tax levied on—
HB 442, page 188

Tax on, levy collection and distribution of—
HB 395, pages 138, 281, 344, 492, 505, 1239, 1481, 1502, 1503, 1565, 1575, 1680

TALLADEGA COLLEGE

Appropriation provided—
HB 239, pages 51, 761, 869, 1682, 1728, 1934

TALLADEGA COUNTY

Revenue commissioner, office of, created—
SB 309, pages 590, 591, 871, 935, 951, 1031

TALLAPOOSA COUNTY

Board of education, lump sum provided in lieu of office space and equipment—
HB 383, page 135

Coroner, additional expense allowance—
HB 385, pages 136, 183, 276, 580, 587, 595

County commission, expense allowance—
HB 382, pages 135, 183, 275, 580, 587, 594

County commissioners, full time officers—
HB 384, pages 135, 183, 276

Draft beer legalized—
HB 386, pages 136, 183, 277, 580, 587, 595

Pistol permit fee provided further for—
HB 818, pages 989, 1029, 1107, 1319, 1336, 1379, 1384

TANNER, MR. AND MRS. DAVID

Congratulated—
HJR 15, pages 70, 185, 215, 234

TARRANT CITY

Electric service territories established—
HB 881, pages 1198, 1365, 1436
SB 544, pages 1494, 1495, 1546, 1713, 1740

TAU KAPPA CHAPTER

Chi omega fraternity, university of Montevallo, commended—
SJR 111, pages 485, 486, 524

TAU KAPPA EPSILON FRATERNITY

Commended—
HR 185, page 389

TAX ASSESSORS

Homestead exemption applications, time for accepting—
SB 450, pages 1083, 1085, 1355

TAXATION

Ad valorem, assessment rates—
HB 41, page 13

Ad valorem, constitutional amendment regarding—
HB 40, page 12

Ad valorem, counties to levy and collect—
HB 6, page 6

Ad valorem, exemptions under the Cater act, limited—
HB 709, page 565

Ad valorem, exemptions under the Cater act, provided further for—
HB 595, page 349

Ad valorem, exemptions under the Wallace act, limited—
HB 711, page 567

Ad valorem, exemptions under the Wallace act, provided further for—
HB 594, page 349

Ad valorem, persons over sixty-five, exemptions—
HB 34, page 11

Ad valorem, states power to levy rescinded—
HB 12, page 7

Ad valorem, taxing authorities that have reduced, allowed to increase—
HB 150, page 34

Allen memorial home, inc., sales and use, exempt—
HB 118, page 27

American association of university women, exempt—
HB 272, page 56

Andalusia rotary club world championship domino tournament, sales and use, exempt—
HB 10, page 7

Appeals from final assessment of taxes subject to administrative procedure act—
HB 483, page 197

Association for retarded citizens, inc., sales and use, exempt—
HB 779, page 875
SB 296, pages 968, 968

Birmingham football foundation, inc., sales and use, exempt—
HB 88, page 21

Butler county sheriffs posse association, sales and use, exempt—
HB 405, page 139

TAXATION (Continued)

Cable T.V. operations, levied on gross receipts—
HB 15, page 8

Central church of Christ childrens home of Tuscaloosa, sales and use, exempt—
HB 653, page 408

Childrens home, inc., of Huntsville, sales and use, exempt—
HB 92, page 22

Committee for the humanities, sales and use, exempt—
HB 176, page 38

Corporate income tax, installment payments eliminated, estimated payment required—
HB 244, pages 51, 100, 230, 233, 259, 268, 1889, 1890, 1891, 1939, 2078

Corporate shares of stock, of—
HB 568, page 321

Diesel fuel used for off-highway agricultural purposes, sales and use, exempt—
HB 21, pages 9, 1031, 1116, 1465, 1472, 1537

Disabled veterans motor vehicles, ad valorem, exempt—
SB 364, pages 1349, 1351

Downtown rescue mission inc., of Huntsville, sales and use, exempt—
HB 487, page 197

Drugs sold to private hospitals exempt from gross sales tax—
HB 168, page 37

Enterprise rescue squad, sales and use, exempt—
HB 158, page 35

Estate and inheritance, due dates and interest rates changed—
HB 243, pages 51, 100, 174, 1911, 1916, 1939, 2078

Explore center inc., sales and use, exempt—
HB 435, page 187

Flomaton lions club, ad valorem, exempt—
HB 4, page 6

4-H club foundation, inc., sales and use, exempt-
HB 582, page 323

Franchise, domestic corporations, levy on, increased—
HB 420, pages 142, 281, 344, 372, 377, 378, 381, 420, 421, 460, 465, 1891, 1893, 1895, 1928, 1929, 1933, 1940, 2078

Franchise tax based on actual amount of capital employed—
HB 566, page 320

Gasoline, distribution of proceeds for marine purposes—
HB 666, page 440

Gasoline, four cents per gallon, repealed—
HB 825, page 991

TAXATION (Continued)

George Lindsey celebrity benefit, inc., sales and use, exempt—
HB 720, page 567
SB 190, pages 591, 592

Hank Williams memorial association, sales and use, exempt—
HB 404, page 139

Help one another club, inc., of Birmingham, sales and use, exempt—
HB 500, page 246

Homestead exemptions for persons 65 or older—
HB 373, pages 133, 603, 1086, 1089

Housing allowances for chaplains in state employ, exempt from income—
HB 49, page 14

Income, fiduciaries making tax returns for taxpayers age 65 or older, annual exclusion increased—
HB 125, page 28

Income, military retirement pay exempt from—
HB 664, page 440

Income, taxpayers age 65 or older, net income exclusion raised—
HB 122, page 27

Income, taxpayers 65 or older, personal exemption increased—
HB 124, page 28

Lands sold for taxes, when lands not liable for, recovery of costs, charges and expenses of clearing title—
HB 188, page 41

Limestone and dolomite, severance tax levied on—
HB 588, page 348

Low cost housing for elderly and handicapped, non profit corporations providing, ad valorem exemptions—
SB 470, page 1486, 1487

Martin-Carver school association, ad valorem, exempt—
HB 503, page 246

Mayfair towers, inc., ad valorem taxes—exempt—
HB 586, page 348

Minimum franchise tax raised—
HB 565, page 320

Mobile area chamber of commerce foundation, inc., ad valorem, exempt—
HB 32, page 11
SB 57, pages 1350, 1351

Mobile jaycees, inc., sales and use, exempt—
HB 617, page 391

Motor fuel, excise, on, distribution of—
HB 14, page 7

TAXATION (Continued)

Mount Royal towers, inc., tax and license exemptions—
HB 589, page 348

Municipal retirement allowances, income, exempt from—
HB 147, page 33

Oil and gas production privilege tax, exemptions—
HB 189, page 41

Oil and gas production privilege tax reduced—
HB 190, pages 41, 1335

Oil and gas severance, rates—
HB 35, page 11

Opp jaycees rattlesnake rodeo, sales and use, exempt—
HB 9, page 7

Presbyterian apartments of Birmingham, inc., and Presbyterian homes of Decatur, inc., ad valorem, exempt—
HB 462, pages 192, 902, 1294, 1295
SB 419, pages 1084, 1085, 1384

Presbyterian apartments of Birmingham, inc., and the Presbyterian homes of Decatur, inc., exempt—
HB 179, page 39

Public housing authorities, state utility, gross receipts tax and service use tax, exempt from—
HB 604, page 351

Public utility license tax repealed—
HB 563, page 320

Rabbits, sale of, exempt from gross sales—
HB 22, page 9

Renting or leasing business, privilege tax on, exemptions provided for—
HB 93, page 22

Sales, levying, reporting and collecting of—
HB 25, page 20

Sales tax law, definitions clarified—
HB 534, pages 288, 762, 1119, 1124, 1743, 1744, 1936
HB 535, pages 289, 762, 1125, 1128, 1744, 1744, 1936
HB 538, page 289

Shrine amusement and fund raising events, exempt—
HB 200, page 43

Southwind drum and bugle corps, sales and use, exempt—
SB 125, pages 1483, 1484

Table wine, levied on—
HB 442, page 188

Therapeutic products and devices, sales, exempt—
HB 19, page 8

TAXATION (Continued)

Thirty-fourth national square dance convention, sales and use taxes exempt—
HB 805, pages 922, 1031, 1116, 1709, 1735, 1935

United American veterans association, sales and use, exempt—
HB 591, page 349

United American veterans gospel truth ministeries, sales and use, exempt—
HB 590, page 349

United cerebral palsy of Alabama, inc., Montgomery area service committee, sales, use and ad valorem, exempt—
HB 687, page 538

Utility gross receipts tax, payers of large liabilities to pay on estimate basis—
HB 287, pages 59, 101, 218, 1746, 1749, 1918, 1919, 1938, 2078

TAXES

Overpayment of, filing period for refund increased—
HB 645, page 406

TAXING AUTHORITIES

Ad valorem tax rates, which have reduced, allowed to increase—
HB 150, page 34

TEACHER-OF-THE-YEAR PROGRAM

Deprtment of education requested to establish—
HR 529, pages 287, 430, 1285

Established—
HB 506, pages 247, 316, 1308, 1310

TEACHER UNITS

Additional provided—
HB 331, page 113

Average daily membership to determine—
HB 338, page 114

Gifted children, allocation of, for—
SB 185, pages 969, 969, 1687

TEACHERS

Drivers education, to be paid for higher level of certification—
HB 425, pages 165, 1353

Personal leave and sick leave—
SB 299, pages 1085, 1086, 1385, 1592, 1694

Retired, insurance plan for, funded—
HB 769, page 873

Transfer of, provided for—
HB 336, page 114

TEACHERS (Continued)

Units lost due to decrease in attendance transferred to kindergarten program—
HB 662, page 440
SB 42, pages 821, 822, 1552, 1923, 1924, 1932, 1945

TEACHERS RETIREMENT SYSTEM

Cost-of-living increase, eligibility—
HB 11, page 7

Death of member, beneficiaries—
HB 166, page 37

Employees retirement system, transfer of service between provided—
HB 311, pages 109, 903

Five year requirement for purchasing credit for previously withdrawn service restored—
HB 345, page 116

Preretirement death benefit program created—
HB 403, page 139
SB 227, pages 971, 972, 1355, 1580, 1585, 1694

Reopened—
HB 216, pages 46, 903

Retired teachers association, employees and officers of, may become members of—
HB 115, pages 26, 127

TEAGUE, DR. WAYNE

Commended—
HJR 342, pages 979, 1732, 1738, 1936

TEER, JAMES ELLIS

Commended—
HR 496, page 1944

TELEPHONE COMMUNICATIONS

Intecepting or monitoring of, crime of—
HB 515, pages 249, 535, 1170, 1319, 1386, 1388, 1392, 1393, 1408, 1409, 1419, 1457, 1475

TELEVISION INDUSTRY

Film production, financial incentive for, registration—
HB 525, page 286

TENNESSEE VALLEY AUTHORITY

Commended—
HR 172, page 372

TENURE

Assistant principal and administrative assistant to principal allowed to obtain—
HB 429, page 166
HB 430, page 166

TERRITORIAL AGREEMENTS

Alcoholic beverages, sale of in, designated—
HB 149, pages 33, 241, 1060, 1061, 1063, 1067

THERAPEUTIC PRODUCTS AND DEVICES

Sales tax, exempt—
HB 19, page 8

THIRD ALABAMA VOLUNTEER CAVALRY CORPS

Reactivation of, urged—
HR 12, page 67
HJR 13, page 67

THIRD PARTY PRESCRIPTION PROGRAM

Exemptions under—
HB 681, pages 480, 759, 1311, 1682, 1730, 1934

THIRTEENTH JUDICIAL CIRCUIT

Department of investigation and recovery, administrative secretary, circuit judge to select and appoint—
HB 636, pages 404, 436, 484, 1191, 1221, 1299

THIRTY-SEVENTH JUDICIAL CIRCUIT

Defendant in criminal case entering guilty plea waives right to arraignment at which he is present—
SB 489, pages 967, 968, 1185, 1419, 1475

Judges of, orders and judgments of, preservation of—
SB 490, pages 967, 968, 1185, 1421, 1475

THOMAS, SARAH ELIZABETH PEPPER

Best wishes extended—
HR 155, page 353

THORNTON, DONNA JEAN

Commended—
HJR 291, pages 789, 1181, 1214, 1299

THREE ON A STRING

Commended—
SJR 120, pages 553, 575

TIME ZONES

State changed from central standard time to eastern standard time—
HB 314, page 110

TIMESHARING VACATION FACILITIES

Regulation of through licensure—
HB 450, pages 190, 427, 1248, 1266, 1671, 1672, 1693, 1934
SB 289, pages 1343, 1344, 1543

TINTED WINDSHIELDS

Prohibited—
HB 630, pages 403, 437, 1138, 1139, 1497, 1516, 1537

TOP OF ALABAMA REGIONAL COUNCIL OF GOVERNMENTS

Funding of request of, urged—
HR 392, page 1220

TOURISM AND TRAVEL

Bureau of, bureau of publicity and informations named changed to—
HB 614, pages 390, 760, 1176, 1242
SB 362, pages 1348, 1349, 1543

TOWNS

Cedar Bluff, boundaries altered—
HB 258, pages 53, 105, 155, 1708, 1733, 1935

Good Hope, boundaries altered—
HB 655, pages 438, 556, 616, 1709, 1734, 1935

Red Level, boundaries altered—
SB 354, pages 488, 489, 537, 579, 609

Snead, boundaries altered—
HB 875, pages 1197, 1363, 1427

TRADE SCHOOL AND JUNIOR COLLEGE AUTHORITY

Chief executive officer of post-secondary education and executive officer of the commission on higher education added to board of—
HB 727, page 610

TRADE SCHOOLS

Location of, subject to approval of the legislature—
HB 409, pages 140, 242

TRADE SECRETS

Theft of, criminal offense of—
HB 798, pages 921, 984, 1162, 1465, 1472, 1537

TRAFFIC INFRACTIONS

Penalties increased to fund truck driving courses—
HB 578, pages 323, 902, 1283, 1284, 1746, 1748, 1936

TRAFFIC VIOLATIONS

Expired licenses, expired license tags—
HB 471, pages 194, 1433

TRAINS

Caboose required—
HB 392, page 137

TRUCK DRIVERS

Allowed twenty points before suspension of drivers license—
HB 170, page 37

TRUCK DRIVING COURSES

Traffic infraction penalties increased to fund—
HB 578, pages 323, 902, 1283, 1284, 1746, 1748, 1936

TRUCK WEIGHT RESTRICTIONS

Sawdust for use in poultry farming, exempt from—
SB 238, pages 1084, 1085, 1688

TRUCK WEIGHTS AND LENGTHS

Regulated—
HB 517, pages 250, 317, 345, 413, 420, 1531, 1532, 1542, 1679

TRUCKS

Interstate motor carriers, bonding requirements—
HB 375, pages 134, 236, 345, 805

Interstate motor carriers, trip permits, cab cards, temporary trip permits—
HB 376, pages 134, 236, 345, 805

Trailer, exempt from certain brake requirements—
HB 539, pages 289, 317

TRUCKS AND TRUCKING

Certain, allowed access to all primary roads—
HB 153, page 34

TUBERCULOSIS TEST

School personnel, of, to be by rule of state board of health—
HB 497, pages 245, 396

TUCK, MR. AND MRS. CARL

Commended—
HR 21, page 73

TUMLIN, CHARLIE WADE

Death mourned—
HR 308, page 919

TUNNELS

Hazardous or flammable materials, transporting through, prohibited—
HB 871, pages 1196, 1362

TURNER, HOWARD J., JR.

Commended—
HJR 398, pages 1280, 1666, 1691, 1933

TURNER, MR. AND MRS. ALVIN

Commended—
HR 485, page 1748

TURNER, REPRESENTATIVE J.E.

Praising—
HR 434, page 1522

TURNHAM, HENRY—

Death mourned—
HJR 70, pages 144, 231, 232, 279

TUSCALOOSA COUNTY

Ad valorem tax, additional levied—
HB 647, pages 407, 431, 482, 500

Beer tax distributed—
HB 583, page 348

Circuit court judges, orders and decrees of, filed and preserved—
HB 770, pages 873, 1028, 1103, 1684, 1731, 1934

Committee to study public education, created—
SJR 335, pages 2044, 2076

Pistol permits, fees and renewals—
HB 820, pages 990, 1029, 1107, 1459, 1469, 1537

Sheriffs office, auction of held and unclaimed property—
HB 821, pages 990, 1029, 1108, 1459, 1469, 1537

Voter registration, signature book and suspension of—
HB 102, pages 24, 131, 205, 1681, 1727, 1934

TUSCALOOSA COUNTY HIGH SCHOOL

Coach Mac McKinzey gymnasium, named—
SJR 178, pages 794, 864

TUSKEGEE

City of, Daniel "Chappie" James Aerospace Memorial, bonds issued for—
HB 847, pages 1034, 1094, 1417, 1705, 1738, 1935

TUSKEGEE INSTITUTE

Alabama heritage trust income appropriated to—
HB 844, page 1033
SB 379, pages 1489, 1687

Appropriation provided—
HB 238, pages 51, 761, 869, 1682, 1728, 1934

Daniel "Chappie" James Aerospace Memorial, bonds issued for, authorized—
HB 846, page 1033

TWENTY-FIRST JUDICIAL CIRCUIT

District attorney, additional expense allowance—
SB 477, pages 967, 968

UAB SPECIAL STUDIES

Congratulated—
HR 472, page 1701

ULLMAN HIGH SCHOOL

Classes of 1958, 1959, 1960 and 1969, Commended—
HJR 262, pages 661, 1181, 1213, 1299

UNCONVICTED PRISONERS

Voluntary work on public works, conditions prescribed—
HB 652, pages 408, 538

UNEMPLOYMENT COMPENSATION

Person failing to tell truth about criminal conviction not eligible for—
HB 217, page 46

UNEMPLOYMENT COMPENSATION

Procedures for determinations upon claims for—
HB 201, page 43

UNIFORM CERTIFICATE OF TITLE AND ANTITHEFT ACT

Duplication of forms, eliminated—
HB 233, pages 50, 315, 1043, 1141

UNIFORM CERTIFICATE OF TITLE FOR MOTOR VEHICLES

Owner defined—
HB 305, pages 108, 434, 1131

UNIFORM COMMERCIAL CODE

Mobile homes exempt from filing a continuation statement after filing a financial statement on a perfected security interest—
HB 329, pages 113, 163, 1311

UNIFORM ENFORCEMENT OF FOREIGN JUDGMENTS ACT

Provided for—
HB 545, page 291

UNIFORM HEALTH INSURANCE PLAN

Educational employees provided—
HB 576, page 322

UNITED AMERICAN VETERANS ASSOCIATION

Sales and use taxes, exempt—
HB 591, page 349

UNITED AMERICAN VETERANS GOSPEL TRUTH MINISTRIES

Sales and use taxes, exempt—
HB 590, page 349

UNITED CEREBRAL PALSY OF ALABAMA, INC. MONTGOMERY AREA SERVICE COMMITTEE

Sales, use and ad valorem taxes, exempt—
HB 687, page 538

UNIVERSITY OF ALABAMA BASEBALL TEAM

Commended—
HJR 177, pages 386, 645, 658, 825

UNIVERSITY OF ALABAMA—HUNTSVILLE

Ice hockey team, commended—
SJR 7, pages 87, 200

UNIVERSITY OF MONTEVALLO

Tau kappa chapter, commended—
SJR 111, pages 485, 486, 524

UNIVERSITY OF SOUTH ALABAMA

Appreciation expressed—
HJR 432, pages 1479, 1566, 1576, 1680

Land patent erroneously given to, negated—
HB 247, pages 52, 236, 449, 944, 956, 958, 959

Stanky, coach Eddie, congratulated—
SJR 50, pages 267, 326

UNLICENSED CONCEALED WEAPONS

District attorneys allowed to carry—
SB 438, pages 1347, 1348, 1382

USS ALABAMA BATTLESHIP COMMISSION

Membership, contract limits extended, debts forgiven—
HB 787, pages 876, 1354

UTILITIES

Alabama radio utility act repealed—
HB 759, pages 654, 1026

Cogeneration facilities regulated—
HB 675, pages 478, 537, 944, 953, 955, 955, 957, 1519, 1521, 1535, 1542, 1679

Expenditure of funds for supplies and materials—
HB 219, pages 46, 239

Municipal corporations to pay 2.2% utility tax—
HB 250, pages 52, 100, 132

Public utility license tax repealed—
HB 563, page 320

UTILITY GROSS RECEIPTS TAX

Payers of large tax liabilities to pay on estimate basis—
HB 287, pages 59, 101, 218, 1746, 1749, 1918, 1919, 1934, 2078

UTILITY SYSTEMS

Funds expended by, for supplies or materials—
SB 106, pages 1082, 1083, 1358

Supplies or materials, competitive bids, contract duration, exemptions—
SB 443, pages 1347, 1348, 1545

VALLEY SCHOOL

Honoring—
HJR 467, page 1699

VARNADO, JIMMY

Commended—
HR 218, page 449

VENDING MACHINE TAX

Coin operated laundry machines excluded from—
HB 708, pages 565, 761, 896

VETERANS

Confined to v.a. hospitals, exempt from having to possess a fishing license—
HB 734, page 612

VETERINARY MEDICAL EXAMINERS

Board of, executive secretary provided—
HB 626, pages 403, 426, 1278, 1566, 1575, 1680

Board of, powers of—
HB 474, pages 194, 396

VICKREY, DR. JAMES F.

Commended—
HJR 269, pages 664, 1181, 1214, 1299
HJR 424, pages 1411, 1667, 1691, 1934

VICTIMS

Crime victims compensation commission created—

HB 544, pages 290, 983, 1504, 1515, 1517, 1518

Criminal offenses, of, protected from intimidation—
HB 412, pages 141, 1184

Entitled to be present at trial proceedings—
HB 60, page 16
HB 297, pages 60, 238, 620, 1666, 1689, 1933

Income to convicted felon due to communication concerning felons offense, to be used for welfare of indigent crime victims—
HB 543, pages 290, 1357

Sentencing report to contain statement of impact of offense upon—
HB 608, page 352

VIOLENT CRIMES

Persons convicted of, not eligible for work release—
HB 292, pages 59, 433

VISITATION RIGHTS

Grandparents, in adoption proceedings, provided for—
HB 557, page 319
HB 699, page 563

VOLUNTEERS

Alabama and nation, honored—
SJR 4, pages 87, 199

VOTE TOTALS

Box-by-box and precinct provided as a public record—
HB 390, page 137

VOTER FILE MAINTENANCE SYSTEM

Statewide, established—
HB 580, page 323

VOTER REGISTRATION

Deputy registrars, any qualified elector may be appointed as—
HB 658, pages 439, 538

Statewide voter file maintenance system established—
HB 291, page 59

VOTERS

Purging of lists of, provided for—
HB 416, pages 141, 763
SB 251, pages 1487, 1489, 1544

VOTERS AND VOTING

Statewide voter file maintenance system established—
HB 291, page 59
HB 580, page 323

VOTING MACHINES

County commission to regulate use of—
HB 155, pages 35, 429

WAGES

Prevailing minimum, state's public policy, expressed and required—
HB 106, pages 24, 240
SB 71, pages 1079, 1093, 1281, 1282

WALDROP, KERIA DAWN

Commended—
HR 51, page 96

WALKER COUNTY

Coroner, additional expense allowance—
HB 801, pages 921, 985, 1048

Legislative delegation office, provided for—
HB 864, pages 1194, 1363, 1425

Superintendent of education, salary—
SB 355, pages 970, 970, 985, 1047, 1053

WALKER COLLEGE ACADEMIC BOWL TEAM

Commended—
HJR 427, pages 1414, 1667, 1691, 1934

WALKER COUNTY JUNIOR COLLEGE

Appropriation provided—
HB 237, pages 51, 761, 868, 1682, 1728, 1934

WALKER, ELLEN H.

Commended—
HJR 32, pages 77, 121, 122, 159

WALLACE ACT

Ad valorem exemptions under, provided further for—
HB 594, page 349

WALLACE ACT (Continued)

Ad valorem tax exemptions, limited—
HB 711, page 565

WALLACE, GEORGE C.

Commended—
HJR 7, pages 62, 368, 375, 379

Public officials called on to support—
HJR 14, pages 70, 381, 396, 422

WARD, THOMAS BESTOR, III

Commended—
HR 30, page 77

WARRANTIES

Motor vehicles, new, failure to conform to, refunds for—
HB 811, pages 924, 1024

WARRANTS

Counties, issued by, for buildings, bridges and roads, refunding of—
HB 101, pages 23, 163
SB 90, pages 1084, 1085, 1362, 1589, 1694

Styling of, provided for—
HB 308, pages 109, 128, 780

WARREN, EARL

Commended—
HR 488, page 1750

WASHBURN, DAN

Honored—
HJR 6, pages 61, 185, 215, 234

WASHINGTON COUNTY

Board of education, expense allowances—
HB 39, pages 12, 104, 150, 203, 272, 1460, 1470, 1537

Coroner, expense allowances—
HB 30, pages 11, 103, 150, 202, 271, 1460, 1470, 1537

County commission, election of—
HB 29, pages 10, 103, 150, 202, 271, 1460, 1470, 1537

Pool workers, compensation—
HB 31, pages 11, 103, 150, 202, 271, 1460, 1470, 1537

Probate judge, county commission, tax assessor, tax collector, district judge and circuit clerk, expense allowances—
HB 38, pages 12, 103, 150, 203, 272, 302, 333, 334, 1533, 1534, 1541, 1679

WASTEWATER

Mechanical sewage treatment plants to treat, from homes, provided for—
HB 766, page 767

WATER, SEWER AND FIRE PROTECTION AUTHORITIES

Board of directors, increased—
SB 386, pages 822, 823, 1359

Board of directors of, compensation—
HB 204, pages 44, 903

Revenues, bonds, rates of, criteria and terms, set and expanded—
HB 730, pages 611, 759
HB 758, pages 654, 760, 1075
SB 472, pages 1350, 1351, 1462

WATER SYSTEMS

Public, construction and modification of, issuance of, permits for—
HB 570, pages 321, 397, 811

WATER WORKS AND SEWER BOARDS

Board of directors, expense allowances—
HB 855, page 1095

Boards of directors, of, increased—
HB 174, pages 38, 130, 1129

WATER WORKS BOARDS

Serving four or more counties, board of directors membership, increased—
HB 796, page 878

WATKINS, CONNIE

Commended—
HR 311, page 925

WATKINS, JAMIE LUAN

Commended—
HR 27, page 76

WAYS AND MEANS COMMITTEE

Employees of, provided for—
SB 189, pages 968, 968, 1354, 2069, 2076

WEAPONS

Discharging of, into houses, railroads, cars, planes, trucks or boats, prohibited—
HB 413, pages 141, 1382
SB 158, pages 1349, 1351, 1549

WEAVER, KEITH

Commended—
HR 57, page 99

WEAVER, MR. AND MRS. CHARLIE EDMONDSON

Commended—
HR 438, page 1554

WEAVER, ROBERT

Alabama institute for deaf and blind, cottage named—
SJR 148, pages 792, 864

WEBSTER, MR. AND MRS. HARVEY WILSON, SR.

Honored—
HJR 251, pages 614, 645, 659, 826

WEIGHING AND MEASURING DEVICES

Persons skilled in, registration of—
HB 213, pages 45, 103
SB 114, pages 1081, 1082, 1184

WELL DRILLERS

Licenses provided for—
SB 496, page 1179

WENDLAND, MILTON

Commended—
SJR 29, pages 90, 91, 200

WEST ALABAMA DISTRICT BOARD OF HEALTH

Fee schedule set by—
HB 660, pages 439, 761

WEST ALABAMA GENERAL HOSPITAL

Accreditation, commended—
SJR 234, pages 1077, 1211

WEST, EMILY

Commended—
HR 89, page 181

WEST POINT HIGH SCHOOL

Commended—
HJR 121, pages 282, 302, 308, 342

WET/DRY REFERENDUMS

Time period between, changed—
HB 685, page 538

WHALEY, MRS. TEX

Commended—
HR 154, page 353

WHARVES AND WHARF SITES

Cities and towns allowed to maintain within twenty-five miles—
HB 83, pages 20, 244
SB 196, pages 822, 823, 984
SB 402, pages 824, 825

WHATLEY, DR. BOOKER T.

Honored—
SJR 89, pages 486, 524

WHEELER, TOM

Commended—
HR 480, page 1748

WHITE, JOHN H.

Commended—
HJR 34, pages 78, 186, 215, 234

WHITE, MR. AND MRS. GRAHAM

Commended—
HR 270, page 665

WILBOURN, ROBERT, JR.

Death mourned—

HR 96, page 201

WILLIAM BECK HEALTH AND FINE ARTS BUILDING

Named—
HJR 518, page 2050
SJR 253, pages 1929, 2054, 2075

WILLIAMS, CARRIE

Commended—
HR 281, page 678

WILLIAMS, DEWEY P.

Commended—
HJR 245, pages 568, 645, 659, 826
SJR 154, pages 793, 864

WILLIAMS, GEORGE FRANK, JR.

Commended—
HJR 106, pages 252, 369, 375, 380
HJR 168, pages 362, 395, 402, 422

WILLIAMS, PHILLIP

Commended—
HJR 98, pages 201, 279, 281, 312

WILLIAMS, REPRESENTATIVE NOLAN

Commended—
HJR 455, pages 1583, 1732, 1739, 1936

WILLIAMS, REVEREND BERNARD

Commended—
HR 429, page 1415

WILLIAMS, TAMMY

Congratulated—
HR 202, page 412

WILLIAMSON, JEANINE

Commended—
HJR 93, pages 184, 278, 280, 312

WILLS

Intestate estates, order of preference in the right to administer—
HB 894, pages 1202, 1357
SB 540, pages 1487, 1489, 1550

WILSON, LARRY

Commended—
HR 439, page 1554

WILSONVILLE

City of, boundaries altered—
HB 815, pages 989, 1185, 1418, 1920, 1940, 2078

WINCHESTER, REX W.

Death mourned—
HJR 461, page 1696
HR 509, page 2042

WIND CREEK MUMMERS

Commended—
HJR 147, pages 332, 370, 377, 380

WINDSHIELDS

Tinted, prohibited—
HB 630, pages 403, 437, 1138, 1139, 1497, 1516, 1537

WINSTON COUNTY

Gasoline and diesel fuel, excise tax levied on—
SB 565, pages 1664, 1665

Tobacco tax, levied—
SB 566, pages 1664, 1665, 1686, 2066, 2067

WITNESSES

Married women and minors must procure sureties upon appearing as, for prosecution—
HB 138, pages 31, 315

WOOD AND WOOD RESIDUE

Used in generation of heat or power, sales and use tax, exempt—
HB 538, page 289

WOODLANDS

Arson paraphernalia, defined—
HB 279, pages 57, 315, 1303, 1304
SB 22, pages 1348, 1349, 1549

WOOLLEY, W. O.

Commended—
HR 240, page 561

WORK RELEASE

Persons convicted of violent crimes, not eligible for—
HB 292, pages 59, 433

WORKERS COMPENSATION LAW

Workmens compensation law, name changed to—
HB 696, page 540

WORKFARE

Community work experience program, established—
HB 162, page 36

WORKMENS COMPENSATION

Corporate officers may elect to be exempt from—
HB 575, pages 322, 607, 1168, 1522, 1542, 1679

WORKMENS COMPENSATION ACT

Interim committee to study, created—
HJR 367, pages 1096, 1098, 1692

WORKMENS COMPENSATION LAW

Workers compensation law, name changed—
HB 696, page 540

WORTHLESS NEGOTIABLE INSTRUMENTS

Punishment, increased—
HB 164, page 36

WRONGFUL ACTS OR OMISSIONS

State employees covered for, liability insurance provided—
HB 211, page 45
SB 109, pages 970, 971, 1025, 1275, 1443, 1687

WRONGFUL DEATH

Statute of limitations on—
HB 310, apge 109

YOUNG, DR. JERRY D.

Death mourned—
SJR 157, pages 792, 864

YOUTH SERVICES

Department of, destruction of records permitted—
HB 584, pages 348, 476
SB 303, pages 970, 971, 1027

YOUTHFUL OFFENDER PROCEEDINGS

Victim and family allowed to be present at all stages of—
HB 263, pages 54, 127, 345, 778, 799

YOUTHFUL OFFENDERS

Certain crimes, not eligible to be tried as—
HB 210, page 45
HB 276, pages 57, 535, 778

Murder, person charged with, not eligible to be tried as—
HB 843, pages 1033, 1383

YOUTHFUL OFFENDERS (Continued)

Statutes repealed—
HB 458, pages 191, 536, 1590

ZONING AUTHORITY AND LAND USE PLANNING

Coastal counties governing bodies provided—
HB 731, pages 612, 763